



## Arlington Zoning Board of Appeals

**Date:** Monday, December 19, 2022

**Time:** 7:30 PM

**Location:** Conducted by remote participation

**Additional Details:**

### Agenda Items

#### Administrative Items

##### 1. Remote Participation Details

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the Arlington Zoning Board of Appeals meetings shall be physically closed to the public to avoid group congregation until further notice. The meeting shall instead be held virtually using Zoom.

Please read Governor Baker's Executive Order Suspending Certain Provision of Open Meeting Law for more information regarding virtual public hearings and meetings: <https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>

You are invited to a Zoom meeting.

When: Dec 19, 2022 07:30 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/meeting/register/tZUudeyrqTotG9zs4WcorlZux2Lrn27rbAM>

After registering, you will receive a confirmation email containing information about joining the meeting

Meeting ID 813 2537 1718

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

#### Comprehensive Permits

##### 2. Docket # 3719: 1025 Massachusetts Avenue

#### Meeting Adjourn



## Town of Arlington, Massachusetts

Docket # 3719: 1025 Massachusetts Avenue

### ATTACHMENTS:

Type	File Name	Description
❑ Reference Material	pbw_Request_for_Rescission_of_40B_Project_Eligibility_Approval.pdf	pbw Request for Rescission of 40B Project Eligibility Approval
❑ Reference Material	pbw_Testimony_for_10-18_hrg_against_40B_1201_Mass_Av.pdf	pbw Testimony for 10-18 hrg against 40B 1201 Mass Av
❑ Reference Material	01062022_Minutes_Conservation_Commission.pdf	01062022 Minutes Conservation Commission
❑ Reference Material	02032022_Minutes_Conservation_Commission.pdf	02032022 Minutes Conservation Commission
❑ Reference Material	04212022_Minutes_Conservation_Commission.pdf	04212022 Minutes Conservation Commission
❑ Reference Material	05052022_Minutes_Conservation_Commission.pdf	05052022 Minutes Conservation Commission
❑ Reference Material	05192022_Minutes_Conservation_Commission.pdf	05192022 Minutes Conservation Commission
❑ Reference Material	10202022_Minutes_Conservation_Commission.pdf	10202022 Minutes Conservation Commission
❑ Reference Material	1021-1025_Mass_Ave._Comments_Draft_for_Policy_Development_(1).pdf	1021-1025 Mass Ave. Comments Draft for Policy Development (1)
❑ Reference Material	A_Bagnall_111422.pdf	A Bagnall 111422
❑ Reference Material	ARB_Letter_1021-45_Mass_Avenue.pdf	ARB Letter 1021-45 Mass Avenue
❑ Reference Material	J_Fleming_email.pdf	J Fleming email
❑ Reference Material	L_Wiener_111222.pdf	L Wiener 111222
❑ Reference Material	S_Blagden_email.pdf	S Blagden email
❑ Reference Material	S_Tuttle_email.pdf	S Tuttle email
Reference		

❑ Material	J_Brunet_email.pdf	J Brunet email
❑ Reference Material	W_Evans_email.pdf	W Evans email
❑ Reference Material	ARB_Letter_1021-45_Mass_Avenue_(2).pdf	ARB Letter 1021-45 Mass Avenue (2)
❑ Reference Material	2022-11-27_Arlington_Board_and_Department_Comments_1021-1027_Mass_Ave.pdf	2022-11-27 Arlington Board and Department Comments_1021-1027 Mass Ave
❑ Reference Material	AAHT_111222.pdf	AAHT 111222

Re: Request to rescind MassHousing's Project Eligibility Approval for 40B Project at 1021-1025  
Massachusetts  
Avenue in Arlington

**27 JASON STREET  
ARLINGTON, MASSACHUSETTS 02476**

**TELEPHONE (781) 646-8303  
[PWORDEN@POST.HAVARD.EDU](mailto:PWORDEN@POST.HAVARD.EDU)**

October 10, 2022

Re: Arlington Project Eligibility, 40B Proposal for 2021-2025 Massachusetts Avenue

Dear Ms. Kornegay and Ms. Malcolm,

Thank you very much, Ms. Malcolm, for your courtesy responding to my letter requesting Denial of Project Eligibility for this unworthy project. (I will respond to your bullet points in a Footnote to this letter below.)

This letter is written to request that MassHousing's Site Approval letter be rescinded due to unacceptable procedural matters and lack of honesty. It is questionable that Arlington ZBA's Comprehensive Permit hearings can be legitimate in view of the problems of the Plan as follows:

- **In violation of legal requirements the Project has not been made known to the public.** No comment from any residents, committees or commissions was sought or provided except that of the Conservation Commission and Redevelopment Board. No Project information or request for comment was made via the *Arlington Advocate* newspaper or by Select Board Chair Diggins (while officially representing the SB) at Arlington's Town Meeting with 252 members and its large television audience. Residents have been deprived of knowledge of this Project and of the deadline for submission of comments.
- **The June 14 letter of SB Chair Diggins to you made an untruthful statement that the Project "is consistent with the goals and recommendations of the Arlington Master Plan, ... Open space and Recreation Plan, and the Mill Brook Corridor Report."** That is NOT the case as can be easily verified and is an outrageous statement concerning the hundreds of pages of these reports almost all of which are antithetical to the Project plan.
- **The Applicant lied in the Site Information provided by denying that the Project involved a landmark building.** There was no outreach by the developer/landowner to the Town, or to the Arlington Historical Commission or to the State authorities

overseeing designated landmark buildings about the presence of and their intention to demolish this historic building.

- **Responsible Climate parameters, laws and regulations of Arlington and Massachusetts for new construction are ignored.** The Project is not NetZero and its energy choices highly unacceptable.
- **Clear-cutting of 80 trees including a huge legacy Sycamore tree is irresponsible in view of climate change issues**

(Please forward this letter to your general Counsel, Colin M. McNiece and to Michael Busby. I am grateful to Mr. McNiece for his Municipal Comments section in his Project

Eligibility Approval letter of August 19 and for his Footnote 1 therein stating the right of MassHousing to rescind the Site Approval Letter should there be failure of the Applicant regarding truthfulness or disclosure of pertinent information.)

Clearly, considering the number of landowner and developer speculators in Arlington, this kind of lax review for Arlington 40B projects opens the gates for urban renewal and gentrification on a massive scale if that is desired by Select Board Chair Diggins and the Select Board (SB). But they have provided Arlington residents with little or no information of such an astounding new faulty 40B policy. The policy would result in municipal “clearance” as happened in the West End of Boston with tragic loss of a community and its heritage. That was NOT the goal of those who initiated 40B many decades ago. Although justification is attempted by throwing around concepts of some “affordable” units those small numbers compared to large number of market rate units in 40B projects cannot come close to the loss that Arlington would experience of its many naturally affordable units if SB Chair Diggins new policy is enabled by approval by MassHousing of grossly defective applications such as that for 1021-1925 Massachusetts Avenue.

In conclusion let me suggest that if you wish to improve your oversight of this 40B project that MassHousing should check the veracity of the application materials by reading original source materials such as Arlington’s Master Plan

<https://www.arlingtonma.gov/departments/planning-community-development/master-plan>

To ensure the integrity of your procedures I recommend that this be done whether or not the 40B under consideration is a “Friendly” 40B.

Please authorize Rescission of the Project Eligibility Approval for the 40B Project at 1201-1205 Massachusetts Avenue and ensure that future 40B Project Applications comply with the law and pertinent regulations.

Yours very truly,

Patricia B. Worden, Ph.D.

Former Chair, Arlington Housing Authority

Former Chair, Arlington School Committee

Member, Housing Plan Implementation Committee

Former Charter Member, Arlington Human Rights Commission

Member, Town Meeting, pct. 8

**Footnote:** As mentioned above I am also responding (below) to the bullet points in your letter to me of September 9.

It should first be observed that your comments concerning my remarks that are relevant to your review of Project Eligibility are either redundant, erroneous, or (perish the thought) misleading and obfuscatory

Here are criticisms of some your bullet point in your letter to me of September 8:

- Your statement that “an assessment of consistency with Sustainable Development Principles was conducted as part of our overall Application review” says nothing of relevance to the compliance or lack thereof of Consistency with those Principles. Consistency would have been best achieved by Method 1 described in MassHousing’s “Smart Growth Scorecard” which advises redevelopment and rehabilitation in preference to new construction. The two homes that the proposed 40B demands be demolished would have been ideal for the purposes of housing Arlington Housing Authority's low-income and very-low-income tenants requiring services such as those which the Authority provides at their exemplary residential facility in the Donnelly House also on Massachusetts Avenue which also is an ideal location for such tenants. They could have provided for a greater number of those needing affordable housing than would the 13 units of “affordable homeownership” units allegedly to be provided on the planned 40B project. The Housing Authority have been unable to buy an appropriate house—1201 and 1205 were simply kept off the market presumably to maximize the landowner/developers gain. This is tragic and is what happened in Oakland, CA where older venerable homes providing affordable rentals and services are being demolished to enable vast profits for developers of new apartment buildings and concomitant increase in homelessness (*Healing*, Thomas Insel, M.D. Penguin Press, New York, 2022, pp. 87-90). Since **Method 1** was never suggested by Arlington leaders or by MassHousing it would have been helpful if you had at least pointed out the flaws and inconsistencies described below in the 40B application pertaining to **Method 2:** (Per Smart Growth Guidelines): *Sustainable Development Principles*:

Municipal Support:

Item 2 Restore and Enhance the Environment The project has NO Historic Landscape Enhancement, indeed just the opposite. The Project plans the destruction of a home with Landmark Designation (1021 Massachusetts Avenue) and no Plan for prevention of possible construction-related damage and destabilization of the architecturally and historically very significant abutting First Baptist Meeting House (ca 1790)-see also below - (*Mill Brook Valley: A Historical and Architectural Survey*, 1976, Arlington Historical Commission, second printing, 1984). The project's huge building footprint and bulk would be overwhelming and entirely inappropriate in this pristine, low-rise historically important section of Massachusetts Avenue. That together with the planned removal of trees, placement of a forbidding retaining wall etc. to accommodate the plan for an unnatural water storage system will result in an unhealthy heat island.

Item 4 Conserve Resources The project is extremely wasteful It would cause massive loss of embodied energy by destroying perfectly good large homes at 1021 and 1025 Massachusetts Avenue. The energy-intensive construction of the Project's behemoth energy-guzzling apartment building lacks NetZero attributes. It does not observe the State Stretch Code or Arlington's restrictions on energy systems to be used in new construction. The destruction of trees including a magnificent Sycamore tree in order to provide artificial underground water storage system as mentioned above is a huge Climate NO-NO.

Item 7 Increase Job Opportunities There are NO permanent jobs planned for this area. There are no known tenants for the "commercial" space

Item 8 Foster Sustainable Businesses The Project will foster No Sustainable businesses

- Your confirmation of the site area is superfluous as it is well known to us. The point is that it was twenty times too large in your documentation for those involved in the site visitation which may have distorted their judgement
- You stated that an As-Is Appraisal of the Site was conducted, including the consideration of two existing buildings and that Historical designation is outside the scope of MassHousing's authority and review. However, that is no excuse for MassHousing accepting an obvious lie in the Site Information application document from the developer/landowner denying that one of the homes they plan to demolish on the property is a landmark house listed in the Inventory. That is a red flag and your acceptance of the denial encourages wrongdoing. **Further, it is dubious that "Historical Designation is outside the Scope of MassHousing's Review."** The Authority of the State listings for buildings deserving protection for historical or architectural reasons may supersede MassHousing's reluctance to protect these buildings. It is also surprising that there is no mention of the need to protect from possible construction-related damage the abutting painstakingly restored First Baptist Meeting House mentioned above at 3-5 Brattle Street (ca 1790), the model for which was the Meeting House at Lexington Green visible in engravings of the battle there on April 19, 1775. That Meeting House is of great historical significance in that it secured a religious

rights finding from the Supreme Judicial Court of Massachusetts eliminating tax requirements for those not professing the “established” religion. Further, it is surprising that the project presents no plans to protect the recently beautifully restored abutting Highland Fire Station which is also on Arlington’s Inventory of significant buildings and the abutting historic Victorian house at 1011 Massachusetts Avenue.

- You mention that a notice to the Town soliciting comments on the proposal was sent on April 29, 2022. Comments from the Town were received on or about June 14, 2022. However, apart from SB Chair Diggins, the then-Planning Director, the Redevelopment Board, and obscure “working groups” involving the Conservation Commission, such comments to my knowledge, were not sought from any residents, commissions, committees, or Town Meeting members. The endeavor was kept from the public eye, totally lacking transparency and community involvement. The then-Planning Department quietly issued an inaccurate and distorted memorandum to Chair Diggins and the SB (a masterpiece reflecting vested interests and misinterpretation produced during the leadership of the former Planning Director who is no longer employed by the Town of Arlington). That was done during the “safe harbor” period while the rest of Town was struggling with Town Meeting issues. SB Chair Diggins then around June 14 sent you his “Comments from the Town” (apparently the only contributors from “the Town” were SB Chair Diggins and the SB). Their comments were in many cases outrageous and deceptive. For example their Conclusion “that the project in its early stages is consistent with the goals and recommendations of the Arlington Master Plan, ... Open Space and Recreation Plan, and the Mill Brook Corridor Report. That is not true. The project is antithetical to most aspects of the Open Space and Mill Brook Corridor Reports. and whereas the Master Plan did find support for mixed use – that was for a low-rise paradigm like the Capitol Theater block or Arlington Center and no resident argued for tripling the bulk/FAR and almost doubling the height of such structures. That essentially makes structures such as the planned 40B “Residences at Mill Brook” simply large apartment buildings masquerading as “mixed use” and so allowing them to avoid the more protective dimensional regulations pertaining to apartment buildings.

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**From:** Jessica Malcolm <[JMAlcolm@masshousing.com](mailto:JMAlcolm@masshousing.com)>

**Sent:** Thursday, September 8, 2022 7:23 PM

**To:** [pbworden@hotmail.com](mailto:pbworden@hotmail.com) <[pbworden@hotmail.com](mailto:pbworden@hotmail.com)>

**Subject:** Request to forward this message and attachment to Ms. Chrystal Kornegay and Mr. Michael Busby at MassHousing

Dr. Worden,

Thank you for your comments concerning the above-captioned 40B Proposal. Attached please find the Project Eligibility Letter for this proposal, issued on August 19, 2022.

Regarding your comments/concerns that are relevant to our review for Project Eligibility:

- An assessment of consistency with Sustainable Development Principles was conducted as part of our overall Application review;
- We can confirm that the subject area is 1.08 acres (the “Site”), of which .65 acres are buildable. See PEL pgs. 1 and 5;
- An As-Is Appraisal of the Site was conducted, including the consideration of two existing buildings. Historical designation is outside the scope of MassHousing’s authority and review;
- All Application materials and associated documents are considered public information and are available through MassHousing or the Town. For materials from MassHousing, requests may be sent to Angela Chan, Special Counsel, Information Officer, at [achan@masshousing.com](mailto:achan@masshousing.com);
- A notice to the Town soliciting comments on the proposal was sent on April 29, 2022. Comments from the Town were received on or about June 14, 2022;
- We are happy to provide any additional information to local boards upon their request;
- A Safe Harbor designation allows Zoning Boards of Appeals to deny Applications for Comprehensive Permits but does not preclude Subsidizing Agencies from conducting a review of Project Eligibility.

If you believe there were misrepresentations made to MassHousing that would impact our determination pursuant to 760 CMR 56.04(4), please send them to my attention. We encourage you to continue to share your concerns with the Town and remain engaged throughout the Comprehensive Permit process.

Please feel free to contact me directly if you have any additional questions.

Thank you,

Jessica Malcolm

One Beacon Street, Boston, MA 02108  
[Twitter](#) | [Facebook](#) | [LinkedIn](#) | [Newsletter](#)

**Jessica L. Malcolm**  
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Planning and Programs  
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message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

**From:** Patricia Worden <[pbworden@hotmail.com](mailto:pbworden@hotmail.com)>

**Sent:** Wednesday, September 7, 2022 11:53 AM

**To:** HO Customer Service <[HOCustomerService@masshousing.com](mailto:HOCustomerService@masshousing.com)>

**Subject:** Request to forward this message and attachment to Ms. Chrystal Kornegay and Mr. Michael Busby at MassHousing

## Request to deny project/site approval for 40B at 1021-1025 Mass. Av.

PW

Patricia Worden



To:

- Lenard Diggins;
- [DMahon@town.arlington.ma.us](mailto:DMahon@town.arlington.ma.us);
- [JHurd@town.arlington.ma.us](mailto:JHurd@town.arlington.ma.us);
- [EHelmut@town.arlington.ma.us](mailto:EHelmut@town.arlington.ma.us);
- [SDeCourcey@town.arlington.ma.us](mailto:SDeCourcey@town.arlington.ma.us);
- Sandy Pooler;
- [cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us);
- Elaine Crowder;
- [robinsj@rcn.com](mailto:robinsj@rcn.com);
- [mike@2stage.net](mailto:mike@2stage.net);
- [lmayer@town.arlington.ma.us](mailto:lmayer@town.arlington.ma.us);
- [concomm@town.arlington.ma.us](mailto:concomm@town.arlington.ma.us);
- [chrystal.kornegay@masshousing.com](mailto:chrystal.kornegay@masshousing.com);
- [homeownership@masshousing.com](mailto:homeownership@masshousing.com);
- Charlie Foskett

Wed 9/7/2022 7:13 AM

pbw to MassHousing 9-5.docx

24 KB



**27 JASON STREET  
ARLINGTON, MASSACHUSETTS 02476**

TELEPHONE (781) 646-8303

[PWORDEN@POST.HAVARD.EDU](mailto:PWORDEN@POST.HAVARD.EDU)

September 6, 2022

Re: Testimony and Request Concerning Proposed 40B project at 1021 –  
1025 Massachusetts Avenue

(Kindly include this letter with materials posted with the September 12 Select Board  
agenda material)

Dear Ms. Kornegay,

Select Board Chair Diggins, and Members of the Select Board,

This letter and its attachment are a request for MassHousing to deny  
project/site eligibility for a proposed 40B development at 1021-1025  
Massachusetts Avenue on the basis of what appear to be gross inaccuracies  
and dishonesty on the part of the developer and of Mr. Diggins' letter of  
support for MassHousing to award project/site eligibility for the project.

It is important for our community to know that MassHousing is not willing to be used as an enabler for property owners/developers/political leaders to exploit communities at will. That exploitation in pursuit of lucrative residential development could destroy Arlington. It is exacerbating rampant residential real estate speculation destroying the environment, and our vigilant efforts to house the poor, to ensure sustainability and climate control, and opportunity to provide and protect essential businesses, jobs and services including in commercial condominiums (such as commercial condos at 22 Mill Street and 180 and 366 Massachusetts Avenue) which speculators eschew in favor of more lucrative residential development.

Arlington is already the twelfth most dense municipality in Massachusetts:

1. It has a plethora of multifamily buildings with naturally affordable rents.
2. It has for many decades ensured against homelessness in the community by generously supporting Arlington Housing Authority, various non-profits, and by very early adoption of Arlington's excellent Inclusionary Zoning Bylaw.

Following is a list of infractions in the project protocol materials:

- egregious violations of the Commonwealth's Smart Growth principles
- Confusing and uncorrected statement by MassHousing that the size of the site is 22.98 acres of land whereas in fact it is 1.08 acres
- Denial by the Applicant that the site contains a house designated as a landmark building
- Stealth and Secrecy/Absence of transparency and public information about project
- Absence of solicitation of comments from the local community
- Lack of information provided to local boards other than Conservation Commission and ARB whose support the Applicant has been attempting to ensure despite Arlington's designation as being in safe harbor from 40B at that time. No acquaintances of mine serving on other Town Boards were even made aware of the project.
- Disregard for Arlington's efforts for sustainable development.
- Possible conflicts of interest

Attached please find some background material for these infractions.

For Ms. Kornegay and MassHousing -I hope you will investigate these infractions fully. Please know that I have already described deficits in this project and protocol to Arlington Select Board who have not yet responded

[https://drive.google.com/file/d/10\\_hRrsVpyvTm5t4pYN7ZW1vLkqxgDtoX/view?usp=sharing](https://drive.google.com/file/d/10_hRrsVpyvTm5t4pYN7ZW1vLkqxgDtoX/view?usp=sharing)

Kindly acknowledge receipt of this letter and refuse project/site approval because of the defects in the project.

Sincerely,

Patricia Barron Worden, Ph.D.

Former Chair, Arlington Housing Authority

Former Chair, Arlington School Committee

Member, Housing Plan Implementation Committee

Former Charter Member, Arlington Human Rights Commission

Member, Town Meeting, pct. 8

**27 JASON STREET  
ARLINGTON, MASSACHUSETTS 02476**

**TELEPHONE (781) 646-8303  
PWORDEN@POST.HAVARD.EDU**

October 16, 2022

**Re: Testimony Opposing 40B Project a 1021-1025 Massachusetts Avenue (Please Include the attached letter of October 10 sent to MassHousing as part of this Testimony**

Dear Chairman Klein and Members of the Board;

A major reason that this 40B application for award of a Comprehensive permit should be rejected is that MassHousing's Site Approval should be rescinded due to unacceptable procedural matters and lack of honesty. It is questionable that Arlington ZBA's Comprehensive Permit hearings can be legitimate in view of the problems of the Plan as follows:

- **In violation of legal requirements the Project has not been made known to the public.** Although required by law and requested by MassHousing in their letter of April 29,2022 to Select Board (SB) Chair Diggins NO comment from any residents, committees or commissions was sought or provided except that of the Conservation Commission and Redevelopment Board. NO Project information or request for comment was made via the *Arlington Advocate* newspaper or by Select Board Chair Diggins (while officially representing the SB) at Arlington's Town Meeting with 252 members and its large television audience. Residents were deprived of knowledge of this Project and of the deadline for submission of comments.
- **The June 14 letter of Select Board (SB) Chair Diggins to MassHousing made an untruthful statement that the Project “is consistent with the goals and recommendations of the Arlington Master Plan, ... Open space and Recreation Plan, and the Mill Brook Corridor Report.”** That is NOT the case as can be easily verified and is an outrageous statement concerning the hundreds of pages of these reports almost all of which are antithetical to the Project plan. Reading original source material clearly bears this out—e.g, Arlington's *Master Plan*: <https://www.arlingtonma.gov/departments/planning-community-development/master-plan>
- **The Applicant lied in the Site Information provided by denying that the Project involved a Landmark building.** There was no outreach by the developer/landowner to the Town, or to the Arlington Historical Commission or to the State authorities overseeing designated landmark buildings about the presence of and their intention to demolish this historic building at 1021 Massachusetts Avenue.

- **Responsible Climate parameters, laws and regulations of Arlington and Massachusetts for new construction are ignored.** The Project is not NetZero and its energy choices highly unacceptable.
- **Clear-cutting of 80 trees including a huge legacy Sycamore tree is irresponsible in view of climate change issues**
- **A letter from MassHousing to Select Board (SB) Chair Diggins described incorrectly the size of the site as being 22.98 acres. The site is actually 1.08 acres.** This erroneous statement remains on Arlington's website with no statement of correction

Details of the Project Plan and Notice of Intent (NOI) are outrageous attempts to ignore, among other things, Arlington's careful plans to mitigate climate change damage and follow its chosen path of Green Communities. This dreadful project has many aspects that will be detrimental to Arlington and will benefit only the developer/landowner's financial gain.

## **SITE CONSIDERATIONS**

In an attempt to accommodate the building's massive footprint, the natural water storage ability of the site with its gradual slope and deep tree root penetration would be replaced by a totally artificial system requiring disruption of the ecosystem with clear cutting of trees and building of a forbidding 7 foot high retaining wall to accommodate water storage equipment. Tree loss would be huge including a magnificent Sycamore tree. Obviously the Project proponents chose to ignore warnings in Arlington's *Hazard Mitigation Report* of the danger to health of heat islands. This site would be transformed to a heat island if its trees are clear cut. (Described waste and rubbish on the site should be removed by the landowner whether or not a Project is built.) The site is currently part of a pristine section of Massachusetts Avenue containing several historic houses (one of which would be destroyed by demolition if a Comprehensive Permit is awarded) and several other Landmark structures close enough to be endangered by the massive clearing, earthworks and construction planned. These include the beautifully renovated First Baptist Meeting House (1790) and the Highland Fire Station.

LEC consultants of Wakefield, MA wrote the *Local Order of Conditions (Notice of Intent – NOI)* document and *Impact Analysis of the Natural and Built Environment* for the developer/landowner. They have listed many of the unfortunate actions planned for the site with rose colored descriptions that essentially try to put lipstick on this Pig of a Project but the Project remains a Pig.

Without any mention of the historic Landmark status of one of the buildings which the Project would demolish the NOI states "Comprehensive Permit application to demolish two (2) structures .... and construct a 50-unit, 5-story affordable housing condominium building with ... retail space." But it is legally dubious that Landmark buildings protected by the Commonwealth's listing can be destroyed at the whim of a developer. Also the Project is not an "affordable housing condominium building." Rather it is a market rate apartment building of 50 units 13 of which are barely "affordable" and ZERO units are affordable to very low income families –those most in danger of homelessness and for which Arlington has the greatest need. There is great need in Arlington for increasingly scarce houses like the two the

developer/landowner wishes to demolish. Arlington Housing Authority has need for these to house needy tenants who require some supportive services – such as at their very successful Donnelly House on Massachusetts Avenue. These houses could probably have provided affordable residence to a greater number of residents than the thirteen 40B planned units. It is sad to see these homes being used for speculative exploitation. Regarding the allegation of intention to have retail space the Project does not include building structures necessary for restaurants or even a coffee shop and provides no listing of prospective tenants. Essentially the building is a large apartment building masquerading as “Mixed Use.” Also stated in the NOI – “Portions of the proposed project are located within the outer portion of Riverfront Area associated with Mill Brook. Site grading, a retaining wall, erosion controls, invasive species management and native revegetation, meadow establishment, and storm water management are proposed.” However, there is nothing in the Project proposal which indicates or guarantees that the very intrusive and destabilizing landscape plan can be successful in the changed light and growth conditions planned. Nor is there any suggestion for plans for a fund to help occupants with assessments for repair or maintenance of the water management systems.

### **ENERGY AND CLIMATE SUSTAINABILITY CONSIDERATIONS**

The Project opposes Arlington’s plans as a Green Community - established as such in 2010 - and its adoption of the Stretch Energy Code. This 40B Project is not Net Zero and will be detrimental to the Town’s energy efficiency goals. The loss of embedded energy in the destruction of the two houses would be very significant. The planned clear cutting of trees is detrimental to climate control. In 2020 the Clean Energy Future Committee (CEFC) supported a proposed bylaw that would, under certain circumstances prohibit fossil fuel infrastructure in new construction. This bylaw passed as part of Warrant Article 5 at the November 2020 Town Meeting. Warrant Article 5 also authorized a home rule petition and now must await its approval. But it is very clear that Arlington expects newly constructed projects to eschew the use of fossil fuel. The developer/landowner proposing his 40B Project need to come up with energy plans avoiding fossil fuels and a Project which is Net Zero. The CEFC’s mission is to guide the Town of Arlington to a future where, by 2050, net emissions of carbon dioxide and other greenhouse gases attributable to all sources in town are zero. Allowing Projects as inefficient and wasteful as the proposed 40B at 1021 Mass. Av. would make this goal impossible. Arlington would remain in the dark ages as regards its climate resiliency.

### **ARLINGTON'S PROBABLE SAFE HARBOR STATUS**

**To reach safe harbor protection from 40B** Arlington would probably achieve the statutory requirement that 1.5% area of its relevant area as being affordable if the SB were to request the ARB/Planning Department to redefine areas with institutional buildings etc. as no longer being included in Residential District. More appropriately, as Winchester has done they should be included in a Special District – Conservancy-Institutional District.

### **WAIVER REQUESTS**

The requests to reduce the:

Front Yard Setback: from 20ft -- to 11.8 ft

And Side Yard Setback: from 10 ft -- to 8.7 ft

should be **DENIED**. The building is massive and inconsistent with the Town's established concepts for the B1 District. These requested setback reductions would create discordance and possibly set very undesirable precedent.

The requests to increase the:

Maximum Height: from 35 ft or 3 stories -- to 61ft 8" or 5 stories

Maximum FAR: from .75 -- to 2

Should be **DENIED**

Arlington residents participating in the hundreds of hours of testimony for the Master Plan expressed approval for more mixed use buildings. However, their approval was for mixed use establishments like those of the Capitol Theater block or Arlington Center. In my experience (I attended all the Master Plan meetings) there was never any approval expressed by residents at any of the Master Plan meetings for nearly doubling or tripling the height and mass of such developments as these waiver requests essentially would do. (That suggestion could have been made by the consultant for the Master Plan who happens to be a 40B proponent and expert.)

The request for waivers for:

Tree Protection and Preservation (Title V; Article 16)

- Waiver of Tree Fund payment
- Comprehensive permit to include Tree Plan approval

Should be **DENIED**

These requests are outrageous and would be extremely detrimental to Arlington's admirable efforts to protect its tree canopy as strongly advised by many state and local documents such as Arlington's *Hazard Mitigation Report* and by Arlington's Tree Committee

.

The request for the:

Arlington Historical Commission • Regarding 1021 Massachusetts Avenue, a determination as part of the comprehensive permit that the demolition of the building would not be detrimental to the historical or architectural heritage or resources of the Town or in the alternative, waiver of the demolition delay.

Should be **DENIED**

Not only would it represent a loss to Arlington of a Landmark building, it unethically is requesting that the Commission would condone a lie in that it would wrongfully deny that the loss of the historic building certainly is detrimental to the historical or architectural heritage or resources of the Town

For these and other reasons I respectfully request that a Comprehensive Permit be denied for the 40B project at 1021-1025 Massachusetts Avenue.

Yours very truly,

Patricia B. Worden, Ph.D.  
Former Chair, Arlington Housing Authority

Former Chair, Arlington School Committee

Member, Housing Plan Implementation Committee

Former Charter Member, Arlington Human Rights Commission

Member, Town Meeting, pct. 8



## Arlington Conservation Commission

Date: January 6, 2022

Time: 7:30 pm

Location: Conducted by Remote Participation (Zoom)

D. Morgan read the preamble into the record.

Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Mike Gildesgame, Pam Heidell, Dave Kaplan (joined at 8:45), Nathaniel Stevens, David White. Associate Commissioners Cathy Garnett and Doug Kilgour. Conservation Agent David Morgan. Members of the public included Rich Kirby (LEC), Paul Feldman, Mike Novak (Patriot Engineering), Michael Maggiore, Jo Ann Preston, Wynelle Evans, Don Setlzer, Kristen Anderson, Patricia Worden

## Agenda

### I. Administrative

#### 1. Minutes Review

D. Morgan reviewed edits to the meeting minutes of December 16, 2021. N. Stevens motioned to approve the December 16, 2021, meeting minutes, P. Heidell seconded. A roll call vote was taken: S. Chapnick – yes, P. Heidell - yes, C. Tirone - yes, D. White - yes, N. Stevens - yes, and M. Gildesgame - yes.

#### 2. Wetland Delineations

Two sites have been identified, one at Dallin School and the other on Turkey Hill, as possible wetland resource areas. The former is not believed to be a resource area based on preliminary wetland delineation by C. Tirone and D. Morgan, the latter is more likely. Both will be revisited in the spring for confirmation and further evaluation.

#### 3. Wellington Park Emergency Certification Approval

Documents reviewed: Emergency Certification - 0 Grove St - Wellington Park (11/19/21)

Marquis Tree Service removed the bridge at Wellington Park, which was heavily damaged and posed a public safety risk. The removal necessitated an Emergency Certification on November 19, 2021, prepared by D. Morgan and temporary Conservation Agent Ryan Clapp. Work was successfully completed to spec on November 20, 2021. A Conservation Commission vote is required to ratify the order.



## Arlington Conservation Commission

D. White noted that the bridge failure owed to a lack of maintenance over the years.

C. Tirone noted that the Conservation Commission is listed as the issuing authority rather than another department as is typically done. D. Morgan will file the Emergency Order with a copy of the email from the Town Manager's office stating that the bridge removal was necessitated due to a public health and safety emergency.

C. Tirone motioned to ratify the emergency certification, N. Stevens seconded. A roll call vote was taken: S. Chapnick voted yes, P. Heidell voted yes, C. Tirone voted yes, D. White voted yes, N. Stevens voted yes, and M. Gildesgame voted yes.

### 4. Public Outreach

Updates are needed to the Conservation Commission website. Other public relations opportunities, including highlighting citizen conservation efforts, have been proposed by residents.

D. White offered to work with D. Morgan on a temporary, ad-hoc basis to brush up communications. N. Stevens offered to review any legal summaries that are part of communications efforts.

### 5. Changes to Certified Mail Requirements

Applicants report inconsistencies with USPS certified mailings and have suggested alternatives for the period of the Covid-19 State of Emergency. Would the Commission entertain allowing certificates of mailing (as the WPA does) during the emergency (or even after)?

C. Tirone suggested that the phrasing of Arlington's regulations (which do not explicitly allow certificates of mailing the way DEP does in the Wetlands Protection Act regulations) is an oversight that should be rectified, not least because the cost to individual applicants (i.e., homeowners) is much less using certificates of mailing. P. Heidell suggested using the same language as DEP. D. Morgan noted that a change to the regulations would be needed and N. Stevens suggested that a public hearing be held at the next Conservation Commission meeting on January 20, 2022. All commissioners agreed. D. Morgan volunteered to inquire with town counsel about the public notice requirements for a regulation change and to schedule the hearing whenever is determined to be appropriate.



## Arlington Conservation Commission

*Other administrative items postponed until end of meeting.*

### II. Hearings

1. Request for Certificate of Compliance: 54 Dothan Street  
DEP # 91-196

Documents reviewed: Buffer Zone Re-Vegetation Plan for 54 Dothan Street (2008), Environmental Monitoring: 54 Dothan Street prepared by Mary Trudeau, 54 Dothan Street Partial Certificate of Compliance, WPA Form 8A: Request for Certificate of Compliance (2020)

Pursuant to a partial Certificate of Compliance (CoC) issued in 2019, the Applicant seeks a full CoC. The original Order of Conditions has been satisfied, including the three-year monitoring report required for a full CoC. The Conservation Agent recommends approval of this request.

The project is in the Buffer Zone and AURA of a Bordering Vegetated Wetland that is located entirely within the boundaries of the Town of Arlington's McClellan Park.

D. Morgan summarized the environmental monitoring report prepared by Mary Trudeau, noting that while some plantings were not viable there was sufficient volunteer vegetation to satisfy the conditions of the partial CoC. The Applicant's landscaper had been applying fertilizer and was told by the Applicant to stop in order to comply with the Order of Conditions. C. Tirone added that he had observed an additional serviceberry that was part of the planting plan that he believed was dead. The density of plantings permitted was a concern for C. Tirone and C. Garnett. P. Heidell observed that the three-year monitoring period may not have elapsed depending on when the plantings were made. D. Morgan found that the Order of Conditions did not have a monitoring requirement, rather the partial CoC, cover letter, and attendant report by the environmental monitor did commit to a three-year monitoring period. N. Stevens shared that those materials are all considered part of the Order of Conditions because the project was represented as such by the Applicant (vis a vis the report by the environmental monitor that accompanied the partial CoC application). S. Chapnick determined that the latest planting plan was submitted in 2019 and therefore not enough time has passed for monitoring. R. Kirby described that, in his experience, the custom for counting growing seasons is different for spring and fall plantings. If the plants were planted in the spring, the first growing season is the same year as the planting. If the plants were planted in the fall, the next full



## Arlington Conservation Commission

calendar year is the first growing season. N. Stevens requested clarification from the applicant and suggested postponing a decision until the January 20, 2022, Conservation Commission meeting. D. Morgan will seek the additional information. N. Stevens noted that the definition of planting season and associated timelines should be added to the town's wetland regulations when they are updated.

2. Notice of Intent: 1021 – 1025 Massachusetts Avenue  
Converted to a Working Session (see details below)  
Documents reviewed: Notice of Intent Application for 1021 – 1025 Massachusetts Avenue prepared by LEC (2021)

Applicant proposes to demolish two (2) structures and associated driveways, parking lots, and site appurtenances, and construct a 48-unit, 5-story affordable housing condominium building (under Chapter 40B) with ground-level parking garage and retail space. Portions of the proposed project are located within the outer portion of Riverfront Area associated with Mill Brook. Site grading, a retaining wall, erosion controls, invasive species management and native revegetation, establishment of a meadow, and stormwater management are proposed.

C. Tirone asked that the Applicant clarify the reason for filing a Notice of Intent rather than coming in for a working session. P. Feldman, lawyer for the Applicant, responded that the wetlands requirements were likely the most complicated constraint to understand and thus the Applicant thought it best to file a full NOI to provide all the detail an application entails. P. Feldman acknowledged that the Applicant has not started the comprehensive permit application process as required by the Wetlands Protection Act and, as such, sought to withdraw the NOI and requested a working session. S. Chapnick explained that the working session was more appropriate since the comprehensive permitting process may alter the proposal as it is presented in the NOI. N. Stevens asked to have the public participate in the working session so as to have public input included from the start, S. Chapnick agreed. N. Stevens requested that P. Feldman request the withdrawal of the NOI in writing, to which he agreed.

R. Kirby summarized the contents of the NOI application and associated plans. M. Novak contributed an explanation of the stormwater report.

P. Heidell asked if the underground infiltration chambers could be reduced in size (e.g., by using green roof elements to retain and slowly release water). She followed up by asking if additional low-impact development



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techniques (e.g., swales) could be used on site. She requested that the Applicant run the stormwater report numbers using NOAA14+ inputs (N. Stevens concurred) and check the findings with the town engineer. M. Novak responded that he would revisit the stormwater report to consider Pam's changes but did not expect to find a sizeable difference in the needed size of the underground tanks.

N. Stevens requested additional renderings or architectural drawings of the proposed structure to better understand the shading and proposed green roof.

C. Garnett asked whether the Applicant was counting the green roof as replacement plantings. R. Kirby responded that they are not; the green roof is for climate resilience.

C. Garnett expressed concern about the plan to add shrubs under the Norway maple canopy at the rear of the building, which would not be viable in her opinion. She also suggested that the limbing required for those shrubs to persist would enhance windthrow and other undesirable effects. She suggested a shade study for the rear of the building to see where plantings would be better placed.

S. Chapnick suggested that the meadow area over the infiltration tanks could be repurposed for shrubs and trees if the engineering permits.

R. Kirby offered that off-site mitigation had been considered in a previous working session on this project. He suggested that the Applicant could contribute funding to the Mill Brook corridor restoration efforts.

P. Heidell wondered whether the abutting parking lot could be restored, or the unpaved strip next to it, but the Applicant was doubtful because it is owned by another party and regularly used.

P. Feldman requested details about Mill Brook corridor restoration efforts, including Cooke's Hollow and Meadowbrook Park. D. Morgan volunteered to send details.

D. Kaplan suggested removing the Norway Maple trees along Mill Brook entirely and starting with a new set of plantings. The Applicant had considered the idea but was concerned the Commission would not entertain it. The Commission said it would consider the idea and requested that cost estimates and a planting plan be drawn up for an



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urban native park that would be more resilient to climate change and provide improved resource area values.

C. Tirone requested that if this approach were taken, the condo association of the proposed project be assigned responsibility for maintenance of the urban native park in perpetuity. He also inquired about the purpose of the stairs next to the proposed meadow. R. Kirby clarified that the stairs are for maintenance of the vegetation next to Mill Brook.

C. Tirone requested improved erosion controls, concerned that the mulch socks would easily get lost with so much earthwork. R. Kirby said they could add an orange fence to delimit the limit of work and erosion control features.

C. Tirone asked whether the infiltration system could be put under the building. M. Novak said it was not impossible, but he would strongly advise against it. His concern was for the structural integrity of the building. C. Tirone wondered whether the infiltration tanks could be stacked to save space. M. Novak agreed to explore the idea. C. Tirone wondered whether runoff from the green roof was considered clean water. M. Novak clarified that the green roof runoff goes into the infiltration system.

S. Chapnick took a straw poll of the Commissioners to gage interest in the option for clear cutting the Norway maple forest next to Mill Brook and replacing it as discussed with an urban native forest. All agreed it was worth exploring with the caveats already noted.

S. Chapnick requested to continue the working session to the next available meeting. P. Feldman agreed. S. Chapnick opened the public comment period.

J. Preston offered that cutting trees would exacerbate climate change, and the mature Norway maples in question are better than other vegetation at removing carbon. S. Chapnick offered to have the Tree Committee invited to the next working session for their input.

W. Evans shared her count of the number of trees that would be cut (80).

D. Seltzer asked about the location of the setback. M. Maggiore explained that setbacks surround the building which will appear as a 4-story building all the way around.



## Arlington Conservation Commission

K. Anderson shared her experience from living in east Arlington where flooding was a regular concern and asked what the Commission can do to require stormwater mitigation from the proposed development. R. Kirby clarified that the town stormwater requirements will ensure that the runoff will be diminished from predevelopment conditions.

P. Worden concurred with J. Preston's comments and asked the Commission to consider how the development relates to the suggested linear park at Mill Brook. She additionally commented that she thought the development would worsen runoff and thus flooding at Mill Brook.

C. Garnett clarified that her support for removing the Norway Maple trees considered in this project is based on Arlington's need to diversify the age and types of trees that make up the town's tree canopy, to avoid a die off of a large number of trees simultaneously.

P. Heidell wondered whether the open space next to the parking lot at 993 Mass Ave could be repurposed for mitigation, if not the parking lot itself.

S. Chapnick requested that updated materials be submitted a week prior to the January 20<sup>th</sup>, 2022, meeting, including the following:

- Alternatives for infiltration including drainage swales, rain gardens, and storage in the green roof
- Option for stacking stormwater infiltration tanks
- Recalculated stormwater report using NOAA+ and NOAA++ inputs
- Changes to erosion controls to include fencing
- architectural plans or renderings to show building size, shape, setbacks, etc.
- Cost estimate and (if feasible) plan for total replanting of Norway maple forest
- Confirmation that the abutting parking lot cannot be used for mitigation

### III. Administrative (Continued)

#### 1. Enforcement Actions Related to 19R Park Avenue

Documents reviewed: Right of Way Agreement between Housing Corporation of Arlington and Paul D. Merjanian (2016)

Conditions of an abutting property (the Citgo station at 19 Park Ave. owned by Paul Merjanian) are impacting conditions at 19R Park Avenue. The Downing Street affordable housing development will be seeking a



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Certificate of Compliance this spring. While preparing to issue the CoC, R. Clapp, S. Chapnick, and D. Morgan conducted a site visit and witnessed dumping of vegetation debris (specifically Japanese knotweed) near and/or on the 19R property. It appeared the vegetation had been removed from the Merjanian property, which is entirely within the buffer zone of No Name Brook. It has since come to light that the Arlington Housing Authority has a right of way easement on part of the Merjanian property, which is believed to be the area in question where cutting and dumping have occurred. The easement is from 2016 and stipulated that the right of way was to be cleared of all debris within 30 days and kept clear. In addition to the violation of the easement terms, there seem to be wetlands violations occurring on the Merjanian property, including cutting and dumping of vegetation. Town officers are working on a solution, including representatives from Planning and Community Development, Inspectional Services, and Town Counsel.

D. White suggested enforcement of knotweed cutting and dumping on the Merjanian property would be difficult because the town DPW conducts the same activity annually.

N. Stevens reminded the commission that a prior enforcement action had been taken against the property for the dumping of snow into No Name Brook.

S. Chapnick suggested writing a letter to the property owner. N. Stevens agreed and requested further information about any potentially unpermitted activities if they should occur.

2. Fee Schedule for Partial Certificates of Compliance  
*Postponed until January 20, 2022, meeting.*

### IV. Water Bodies Working Group Updates

D. White requested the Commission review the draft water bodies report and send him feedback. He mentioned that the Spy Pond management report from Solitude suggested no treatment of the pond in 2022 and the option needs to be discussed.

M. Gildesgame motioned to adjourn. Meeting adjourned 10:42 PM.



## Arlington Conservation Commission

Date: February 3, 2022

Time: 7:30 PM

Location: Conducted by Remote Participation

D. Morgan read the preamble into the record.

A roll-call vote was taken for Conservation Commissioner's Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Mike Gildesgame, Pam Heidell, Dave Kaplan, Nathaniel Stevens, David White, and Associate Commissioners Cathy Garnett, Doug Kilgour, and Myra Schwartz.

Also in attendance: Conservation Agent David Morgan. Members of the public included John Tortelli (resident, 101 Sunnyside Avenue), Elaine Crowder, Carey Thiel, Brad Barber, Josh Atkinson (Stantec), Joe Connelly (Department of Recreation), Steve Moore (resident, Piedmont Street), Elisabeth Carr-Jones, Johanna Meyer, Ryan Landers (McKenzie Engineering), Beth Melofchik, Wynelle Evans, Rich Kirby (LEC), Paul Feldman, Matt Magiore, Mike Novak, Susan Stamps, Jo Ann Preston.

## Agenda

### I. Administrative

#### 1. Meeting Minutes Review

D. Morgan reviewed edits to the meeting minutes of January 6, 2022. N. Stevens motioned to approve the January 6, 2022, meeting minutes, P. Heidell seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, and M. Gildesgame - yes.

#### 2. Vote: Chair and Vice-Chair positions

S. Chapnick introduced the vote and explained that the 2- year terms lapsed at the start of January. S. Chapnick and C. Tirone volunteered to continue in the roles for an additional 2-years. M. Gildesgame motioned that the officers should continue in their roles. D. White seconded.

S. Chapnick took a roll call vote that included associate commissioners: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, M. Gildesgame – yes, C. Garnett – yes, D. Kilgour – yes, and M. Schwartz – yes.

#### 3. Discussion: 19 Sheraton Park Certificate of Compliance

D. Morgan mentioned that a Notice of Intent for 19 Sheraton Park is forthcoming and will require a Certificate of Compliance to close out the



## Arlington Conservation Commission

old Order of Conditions.

### 4. Enforcement actions

#### i. 99 Sunnyside

D. Morgan summarized the Notice of Violation issued to the builder at 99 Sunnyside Avenue to stop work and install erosion controls and reported that there would be a Request for Determination of Applicability from the developer soon. J. Tortelli reported that conditions have improved since the notice was issued.

#### ii. 146 Mystic Valley Parkway

D. Morgan described the unpermitted work at 146 Mystic Valley Parkway and the Request for Determination of Applicability. P. Heidell wondered if an RDA was needed for a project beyond the 100' Riverfront Area. C. Tirone said the scope warranted it, and S. Chapnick agreed.

#### iii. 20 Lafayette Street

D. Morgan reported on the unpermitted work at 20 Lafayette Street and the stop work order issued by Inspectional Services.

### 5. Discussion: Rodenticide and Integrated Pest Management Warrant Article Documents: Rodenticide Warrant Articles

E. Crowder and C. Thiel provided background information on the two submitted warrant articles—one to ban the use of second-generation rodenticides, the other a resolution in support of integrated pest management practices on town land. D. Morgan suggested that the wildlife values of the Wetlands Protection Act be reflected in the warrant article language, M. Schwartz added habitat values more generally. N. Stevens moved for the Conservation Commission to support the two warrant articles. C. Tirone seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, and M. Gildesgame - yes.

### 6. Discussion: Help Keep Arlington Beautiful flyer for reduced fertilizer use around Spy Pond

D. Morgan showed a flyer designed by the Spy Pond Committee for distribution to residences south of Massachusetts Avenue. S. Chapnick suggested that the flyer should be consistent with the commission's usual special conditions on fertilizer use in resource areas. M. Schwartz asked that Arlington DPW and Engineering be consulted. B. Barber agreed to



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incorporate the commission's suggestions.

### II. Hearings

#### 1. Notice of Intent: Hurd Field (Continued)

DEP #091-0337

Documents: Hurd Field Response to Comments

J. Atkinson summarized the updated rendering and plans for the field improvements.

D. Kaplan asked if the storage shed/irrigation system could be moved out of the 50' buffer per regulations for no new structures in that area. J. Atkinson said the placement was due to existing water and power supply infrastructure.

D. Kaplan requested a native substitute for redbud on the planting plan.

C. Tirone inquired about the photometric plan and whether the lighting impacts to Mill Brook can be minimized. J. Atkinson said the photometrics assumed a site with no vegetation and there is more light pollution with older, retrofitted lights than on new equipment.

D. Kaplan requested that the footpath be realigned to allow more buffer zone area near the Mill Brook bridge (within the AURA and Riverfront). C. Tirone agreed. J. Atkinson confirmed that the applicant would consider it.

S. Chapnick opened the hearing for public comment. S. Moore asked why Mill Brook was not being rebuilt given the activity adjacent to the brook. J. Connelly responded that the scope was limited to field renovations.

E. Carr-Jones requested the fence at the northwest corner be removed. J. Connelly said it would affect the use of the field and was not considered.

J. Meyer expressed her support for moving the path out of the buffer zone and keeping the fields out of wetter areas.

S. Chapnick closed public comment and returned to Commissioners for further discussion. C. Garnett asked about the work to replace the bridge connecting Hurd Field to the Reservoir and whether it would allow any opportunity for further mitigation. J. Connelly said that the connection is a



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separate project under the direction of a different landscape architect and contractor.

C. Tirone was disappointed that Mill Brook didn't receive more consideration in the proposal. He felt that project mitigation had improved but not yet met the needed threshold for Riverfront Area improvement required in the Wetlands Protection Act (WPA). P. Heidell and N. Stevens disagreed and thought Mill Brook improvements were out of scope and that the Project would result in improved existing conditions of the Riverfront Area.

D. Kaplan requested an operations and maintenance plan for the proposed stormwater best management practices.

M. Gildesgame motioned to continue the hearing to the February 17<sup>th</sup> meeting of the Conservation Commission to allow the applicant to address questions from the Commission including impacts to the AURA and meeting Riverfront Area standards in the WPA. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, and M. Gildesgame - yes.

### 2. Notice of Intent: Colonial Village Drive (Continued)

DEP #091-0336

Documents: Revised Colonial Village Drive Notice of Intent application package, stormwater report, and civil plan set prepared by McKenzie Engineering Group

R. Landers share the project details and considered changes suggested by the commission.

C. Tirone asked whether the stormwater treatment and infiltration devices would cause scouring of the brook bed. R. Landers responded that the outlet designs are to match the existing conditions of outlets on site, which have not damaged the streambed.

P. Heidell asked that the town engineer review the project. N. Stevens and S. Chapnick agreed.

S. Chapnick opened the hearing for public comment. J. Meyer shared that local groundwater levels can be lowered using taproot trees.



## Arlington Conservation Commission

S. Chapnick closed public comment and returned to Commissioners for further discussion. N. Stevens motioned to continue the hearing to the February 17<sup>th</sup> meeting pending comments from the town engineer. D. White seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, P. Heidell - yes, D. Kaplan - yes, D. White - yes, N. Stevens - yes, and M. Gildesgame - yes.

- III. Working Session: 1021 – 1025 Massachusetts Avenue (Continued)  
Documents: Site alternate plans 1 and 2, floor plan, exterior rendering, urban park cost estimate, correspondence between Jacquelyn Maggiore (Maggiore) and Katarina Ilic (Millbrook Condominium Association), StormTech stacked system summary

R. Kirby shared updated plans and renderings for the proposed structure. He discussed two alternatives behind the planned buildings: one with a larger stormwater system that would be sized to meet NOAA14++ precipitation data and remove 20 trees and a second that would be a surface drainage with a forebay that would require additional tree removals. He reported that the requested urban park was too expensive for the project and proposed a payment by the applicant to the town in lieu of onsite mitigation. The sum proposed was \$70,000 to fund work at Cooke's Hollow.

N. Stevens asked that the proposal to reforest part of the adjacent condo association's land include ongoing maintenance in perpetuity and maybe legal protection in the form of a conservation easement to preserve the mitigation. R. Kirby agreed that payment for maintenance could be made part of the condo fees.

D. Kaplan expressed concern that the mitigation at Cooke's Hollow may not match the impact of the project in question.

C. Tirone echoed concern about offsite mitigation and wondered how the \$70,000 amount was determined. S. Chapnick shared that the commission has never done an in-lieu fee and that it would be a less favorable option.

N. Stevens offered that DEP may not concur with whatever offsite mitigation the commission recommends for this project.



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S. Chapnick opened the session to public comment. S. Moore raised that the tree replacement bylaw would not be satisfied by the mitigation plans proposed and neither would there be satisfactory replacement of the trees to be removed. He said the Tree Committee would pay attention to the project as it progresses. C. Tirone said that the Wetlands Protection Act gives ConCom the authority over the subject property and preempts the Tree Committee's jurisdiction. S. Chapnick said that the Tree Committee can contribute to the Zoning Board of Appeals process when the applicant files the project under the Comprehensive Permit Application 40B process.

S. Stamps echoed S. Moore's concerns and added that the town's climate goals would be hurt by the removal of the proposed number of trees. She defended keeping the Norway Maples in place and calculated their value in terms of the Tree Warden's replacement value for trees (\$375 per inch of dbh), which, for an approximation of 100 10-inch trees, would be \$375,000. The proposed on-site replacement equals 8% of that figure. S. Chapnick clarified that only 40 trees are proposed to be removed.

J. Preston requested that the committee keep climate change at the forefront of considerations and noted that the state does limit the import and planting of Norway Maples but does not recommend their removal.

S. Chapnick closed public comment and returned to Commissioners for further discussion. S. Chapnick summarized that the commission is open to an offsite mitigation proposal that would enhance the condition of Mill Brook. Any further consideration will be made by the Zoning Board of Appeals.

D. White moved to adjourn the meeting; N. Stevens seconded. Meeting adjourned at 11 PM.



## Arlington Conservation Commission

Date: April 21, 2022

Time: 7:00 PM

Location: Conducted by Remote Participation

D. Morgan read the preamble into the record.

Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Mike Gildesgame, David White, and Associate Commissioners Cathy Garnett, Doug Kilgour, and Myra Schwartz. Conservation Agent David Morgan.

Absent: Commission Members Pam Heidell, Dave Kaplan, Nathaniel Stevens

Members of the public included: Julia Squilace (Tighe & Bond), Eric Gerade (VHB), Al Bell (Best Way Homes)

### Agenda

#### I. Administrative

##### 1. Approval of April 7<sup>th</sup>, 2022, Meeting Minutes

D. White motioned approval, C. Tirone seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame - yes.

##### 2. Park & Recreation Commission Update

C. Garnett provided an update on her work as liaison to the Park & Recreation Commission. Discussion included the Order of Conditions issued for Hurd Field and D. Morgan's agreement with the Recreation Department to not fertilize mitigation areas there and to revisit discussion of field fertilizer practices through the ongoing Public Land Management Plan. C. Garnett reported that a resident in her precinct shared positive feedback about the agreement. C. Garnett also discussed replacement trees at the Reservoir and noted that coordination with the consultant, KZLA, will be needed to ensure compliance with the planting plan.

##### 3. Approval of Adopt-a-Patch Proposal

Documents: Adopt-a-Patch Proposal Memo

D. Morgan asked the Conservation Commission to approve a request to Arlington Land Trust (ALT) for \$500 from the Arlington Conservation Stewardship Fund for the Adopt-a-Patch proposal. The award will fund a pilot project of purchasing native seed for planting where volunteers

conduct invasive plant removals. D. White motioned to approve the request, M. Gildesgame seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame - yes.

4. Proposal to administratively approve funding of volunteer efforts under \$500

S. Chapnick suggested that commission procedures be changed to permit administrative approval of expenses under \$500 that support volunteer efforts on Conservation Commission owned land or in jurisdictional areas. D. White reported that approvals were required for any amount. C. Tirone recommended checking with town counsel to see what matters require Conservation Commission approval de facto. S. Chapnick agreed to continue to bring expense approvals to the full commission for a vote.

5. Mosquito Spraying in Arlington Great Meadows (AGM)

D. White summarized insect control measures taken by Lexington at AGM today, April 21, 2022. S. Chapnick explained the composition of the treatment (a bacterium that targets the larvae) and that no toxic environmental effects are expected from spraying. M. Gildesgame inquired whether the bacterium would affect pollinators. S. Chapnick responded that it exclusively targets mosquitos.

6. Water Bodies Working Group Update

D. Morgan summarized details of the Spy Pond aquatic management contract awarded to SWCA and Water & Wetland for a three-year term. The contract will need to be revised to include a Notice of Intent in September 2022. Work will begin in May 2022.

D. Morgan will explore renewing the contract for water chestnut harvesting at the Reservoir and for invasive vegetation/algae management at Hill's Pond. He shared that the contract negotiations for invasive removal work on the banks of Spy Pond were moving forward, with Parterre coordinating with the Friends of Spy Pond Park on volunteer management.

7. 1021 – 1025 Massachusetts Avenue Potential 40B Development Update

C. Garnett summarized a meeting with the development firm (Maggiore) behind the 1021 – 1025 Massachusetts Avenue 40B development. The developers presented a proposal for a private park that would be located behind the building and near Mill Brook as mitigation for redevelopment in the Riverfront Area. D. Morgan was also in attendance. The park would be planted with more trees than would be removed and with native plantings. C. Garnett and D. Morgan did not provide permitting advice or suggest

that the plan would be approved by the commission should it be put forward in the final plans.

## II. Hearings

1. Request for Determination of Applicability: East Arlington Gas Line Replacement Work  
Documents: Arlington Gas Main Relay RDA Package

J. Squilace presented the proposed gas main installation and replacement activities within east Arlington. Work is proposed to be conducted within Bordering Land Subject to Flooding, the 200-foot Riverfront Area of Alewife Brook, the 100-foot Buffer Zone to inland Bank, and 100-foot Adjacent Upland Resource Area. Work will be conducted in the public right of way by Boston Gas Company for National Grid, over approximately 7,660 linear feet of gas line in the following locations:

- i. Herbert Road, from Lake Street to Lafayette Street
- ii. Thorndike Street, from Massachusetts Avenue to the end of the existing main at 153 Thorndike Street
- iii. Fairmont Street, from Massachusetts Avenue to the end of the existing main at 112 Fairmont Street
- iv. Lafayette Avenue, from Massachusetts Avenue to Herbert Road
- v. Boulevard Road, from 7 Boulevard Road to the intersection of Boulevard Road and Lafayette Street

S. Chapnick requested notification be made to the conservation agent in advance of construction starting to request a review of erosion controls. J. Squilace said that would be acceptable. D. Kilgour asked whether street trees would be impacted by construction. J. Squilace said there would be no disturbance. D. White asked whether trenches would be backfilled nightly and whether lines to individual homes would be replaced. J. Squilace answered yes and no, respectively. C. Tirone asked for the timeline and contact information for the project management. J. Squilace referred D. Morgan to Jamie Walker of National Grid for a timeline. C. Tirone inquired whether work would be conducted during rain events. J. Squilace did not believe it would be.

C. Tirone opened the floor for public comment. None were made.

D. White motioned to issue the Determination of Applicability, S. Chapnick seconded. C. Tirone summarized the conditions to be applied to the determination, as requested by commissioners above. These include

1. Pre-activity meeting with Conservation Agent to check erosion/sedimentation controls and best management practices for the work

2. Requirement to back-fill trenches daily
  3. No work during rain events
- C. Tirone suggested adding a positive determination (B2) to the negative determination (N3) to state that the wetland delineations are not determined by this issuance. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame - yes.
2. Notice of Intent: 34 Dudley Street (continuation)  
Documents: 34 Dudley Notice of Intent Package

This public hearing will consider a Notice of Intent to construct a five-story self-storage facility at 34 Dudley Street and remove a failing retaining wall on the adjacent Town-owned parcel at 0 Grove Street. As proposed, the project will result in impacts within the Riverfront Area to Mill Brook, 100-foot Adjacent Upland Resource Area, and buffer zone to Bank.

This application was first heard on March 3, 2022. The hearing was continued at the applicant's request. The commission requested the applicant to update documents related to photometrics, shading, erosion controls, and stormwater management. For the original application, please refer to the March 3, 2022, meeting materials; no additional materials were provided for the April 21, 2022, hearing.

S. Chapnick shared the details of a letter submitted in opposition to issuance of an Order of Conditions for the project provided on behalf of an abutter, the Trustees of Santini Realty Trust, at 26 Dudley Street. The letter objects to the site's stormwater management and to work on Arlington-owned land that abuts the subject site.

M. Gildesgame asked about remediation of the site from hazardous materials owing to the prior use as an auto body shop. S. Chapnick reported that none is planned but information about potential hazardous materials can be discussed at a subsequent hearing, when updated materials will be presented by the Applicant.

S. Chapnick opened the floor for public comment. None were made.

M. Gildesgame motioned to continue the hearing to the May 5<sup>th</sup>, 2022, public meeting. D. White seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame - yes.

3. Request for Determination of Applicability: 146-148 Mystic Valley Parkway  
Documents: 146-148 Mystic Valley Parkway RDA Package

A. Bell, contractor for the Applicant, presented the Request for Determination of Applicability for renovations to the private residences at 146-148 Mystic Valley Parkway, including sealing the foundation, expanding the driveway, and landscaping. Work is proposed to be conducted within the 200' Riverfront Area to the Mystic River.

The applicant received administrative approval from the prior Conservation Agent on November 21, 2019, to do the driveway work.

C. Tirone asked whether scheduled plantings would be native. A. Bell replied that the landscaper was not aware of the requirement for native plantings but he would request it of the landscaper before plants are installed. S. Chapnick requested a list of plantings be sent to D. Morgan prior to purchasing and installation.

C. Tirone opened the floor for public comment. None were made.

M. Gildesgame motioned to issue the Determination of Applicability with the condition that all plantings in the 200' Riverfront Area be native. D. White seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame - yes.



## Arlington Conservation Commission

Date: May 5, 2022

Time: 7:00 PM

Location: Conducted by Remote Participation

D. Morgan read the preamble into the record.

Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Mike Gildesgame, David White, Pam Heidell, Dave Kaplan, Nathaniel Stevens, and Associate Commissioners Cathy Garnett, Myra Schwartz, and Doug Kilgour. Conservation Agent David Morgan.

Members of the public included: John Rockwood (EcoTec), Eric Gerade (VHB), Bruna Rosetti (North American Development), Tom Falwell (representing Santini Realty Trust), Ann LeRoyer (Open Space Committee)

## Agenda

### I. Administrative

1. April 21, 2022, draft meeting minutes – the chair postponed this agenda item to the next meeting on May 19, 2022.
2. Park & Recreation Commission Update  
C. Garnett shared that the Park & Recreation Commission plans to install communication boards for individuals with autism and other developmental delays to use with their neuro-typical peers. She suggested the Conservation Commission may want to follow suit on its properties. Park & Recreation considered but rejected signage about coyote habitat.

Impacts from off-leash dogs were discussed in depth. S. Chapnick suggested telling the Park & Recreation Commission that we support efforts to limit impacts in wetland areas. D. Morgan suggested outreach to dog owners via the dog license list held by the Clerk's office. M. Gildesgame suggested signage like that at Hill's Pond about feeding wildlife.

### 3. Updates to Regulations

S. Chapnick presented a draft of the updated and revised Arlington wetlands regulations.

P. Heidell asked why additional Riverfront Area regulations were being added when DEP's regulations are thorough and new regulations may



## Arlington Conservation Commission

further confuse applicants. S. Chapnick asked commissioners whether they thought clarification of DEP's regulations was needed. N. Stevens agreed with P. Heidell and recommended keeping with DEP's regulations but added that there were some useful clarifications to be added, such as that lawn area is not considered previously degraded. D. White agreed. D. Kaplan felt that additional performance standards would be useful, such as no net increase in degraded area. C. Tirone felt clarifications were needed beyond the Wetlands Protection Act, including whether the commission considers lawn to be previously degraded. N. Stevens offered to consult case law to find whether that issue had been addressed in the courts. M. Gildesgame, C. Garnett, and D. Kilgour did not feel well enough informed to decide. M. Schwartz had left the meeting prior to 8:30 PM. D. Morgan said the additional clarity would be useful for communicating with applicants. He encouraged the commission to consider additional Riverfront Area performance standards in terms of climate change resilience. S. Chapnick felt that this version of revisions should be limited to clarifications of the existing standards and agreed with D. Morgan that future revisions should incorporate resilience considerations. She requested that commissioners submit further feedback to S. Chapnick and D. Morgan via email by the next meeting.

N. Stevens raised the issue of the exemptions in the Wetlands Protection Act and which exemptions the commission may not want to apply locally. D. Morgan responded that he requested that town counsel review the utility exemption to see if the commission can require the filing of a Request for Determination of Applicability but there is no decision yet. He agreed to inquire further with other conservation agents and their professional networks.

M. Gildesgame wondered whether the climate change section of the regulations should include associated definitions. S. Chapnick agreed. C. Garnett commented that the definitions should be substantiated further. She requested that the commission hold a dedicated session on climate resiliency to find common ground on the definitions and requirements. S. Chapnick and N. Stevens agreed.

C. Garnett asked about the definition of cumulative effect and how it is or can be employed by the commission. N. Stevens said the only case law on the matter says that the concept is weak.

P. Heidell offered to reword the definition of Stream (#82). She added that both subclauses should be required for administrative review (Section



## Arlington Conservation Commission

8(B)1-2).

N. Stevens requested administrative approval of removal of one or two trees. D. Morgan agreed provided replacement requirements still applied. C. Tirone asked to revise (Section 8(B)(1)) to say administrative approval is allowed outside of the first 25 feet of the Adjacent Upland Resource Area (AURA) and Riverfront Area rather than 50 feet. P. Heidell, N. Stevens, and S. Chapnick agreed. D. Morgan requested administrative approval of invasive vegetation within the 25' buffer / AURA. C. Tirone warned that there could be sizeable projects that would not receive commission review if that were allowed. S. Chapnick and N. Stevens encouraged D. Morgan to draft language about limiting the size and scope of such projects that would be administratively approved.

### 4. 1021 – 1025 Massachusetts Avenue 40B Development

S. Chapnick shared that the development firm (Maggiore) behind the 1021 – 1025 Massachusetts Avenue 40B project had submitted the site application to Mass Housing. Comments on the application are owed by the Conservation Commission by May 20, 2022. S. Chapnick requested a meeting of a small group of commissioners to review and provide comments. C. Garnett mentioned that the Maggiore firm misrepresented the nature of the working session with herself and D. Morgan to the Selectboard and characterized it as a collaborative effort. While the commission provided input in prior working sessions, C. Garnett and D. Morgan did not provide input on the proposal during this meeting about riverfront mitigation, but only listened to the presentation and asked questions. C. Garnett volunteered to review the application. S. Chapnick and D. Morgan agreed to participate as well.

## II. Hearings

### 1. Request for Determination of Applicability: 20 Lafayette Documents: 20 Lafayette Street RDA Package

J. Rockwood of EcoTec presented the Request for Determination of Applicability for the Applicant, for a partial demolition, addition, and renovations to the existing residential structure at 20/20A Lafayette Street. Work is proposed within the floodplain (FEMA Zones AE, X) of Alewife Brook.

J. Rockwood noted that the state and local wetlands regulations define the boundary of Bordering Land Subject to Flooding based on flood profile



## Arlington Conservation Commission

data, not necessarily FEMA mapping. He presented evidence that the subject site was above the 7 foot elevation (which was the 100-year flood level determined by the most recent FEMA map revision of April 8, 2016) and the lowest elevation on site is 8.39 feet.

J. Rockwood summarized that the entire parcel was thus not jurisdictional and as such requested a negative determination (N1, N4, N6).

P. Heidell asked whether there was fill added to achieve the elevation of 8.39'. J. Rockwood responded that it was the natural elevation.

P. Heidell also noted the changes to the Arlington Stormwater Bylaw and suggested that the applicant confirm compliance with the Engineering Division.

M. Gildesgame asked whether there was runoff from the uncovered soil pile in the backyard of the subject site. J. Rockwood said there was little to none. Nevertheless erosion controls were installed.

C. Tirone opened the floor for public comment. None were made.

N. Stevens moved that the subject site is not jurisdictional to the Wetlands Protection Act or local bylaw. D. Kaplan seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame – yes, N. Stevens – yes, D. Kaplan – yes, P. Heidell – yes.

### 2. Notice of Intent: 34 Dudley Street Documents: 34 Dudley Notice of Intent Package

E. Gerade of VHB presented an update on the Notice of Intent for the Applicant, to construct a five-story self-storage facility at 34 Dudley Street and remove a failing retaining wall on the adjacent Town-owned parcel at 0 Grove Street. As proposed, the project will result in impacts within the Riverfront Area to Mill Brook, 100-foot Adjacent Upland Resource Area, and buffer zone to Bank. This application was first heard on March 3, 2022. The hearing was continued at the applicant's request. The commission requested the applicant to update documents related to photometrics, shading, erosion controls, and stormwater management.

Relevant project updates included reduced building area (-2,800 sq. ft.) 50% of which will be replaced by impervious parking lot, an added



## Arlington Conservation Commission

bioretention basin/swale at the westerly edge of the parcel, a containment berm for construction erosion control, fencing at the rear of the site, and planting beds/rain garden at the north westerly edge. The stormwater report was updated with NOAA+ data.

D. Kaplan asked if the applicant thought water quality would be affected by the change from building footprint to parking. E. Girade explained that there is no expected increase in traffic or parking demand and therefore he does not anticipate any increase in associated contaminant loadings.

N. Stevens inquired about the potential use of permeable pavement in the new areas. E. Girade said the idea was ruled out for those spaces over the stormwater system. N. Stevens commented that permeable pavement could be used elsewhere.

N. Stevens asked about the Town owned land included in the scope of work and whether permission had been granted for work in that location. E. Gerade said there were no changes to the plan, and he would work with the project attorney to seek permission from the responsible authority.

M. Gildesgame asked if legacy contaminants were in the soil from the past use of the site as an autobody shop. E. Gerade reported that tests showed none, but measures are in place for construction consistent with Massachusetts Department of Environmental Protection requirements if hazardous waste is encountered.

D. Morgan asked about the grade of the proposed bioretention basin, it being uphill from the eastern portion of the site. E. Gerade said the grade is about 1% from south to north and so is expected to drain in that direction.

C. Garnett suggested that the applicant contact the Park & Recreation Commission to request permission for work on Recreation owned land at the back of the project (past fence-line) and report on this at the commission's next meeting.

S. Chapnick asked about the outstanding Certificate of Compliance for the site. E. Gerade said it was in progress.

S. Chapnick opened the floor for public comment.



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T. Falwell, representing an abutter, described the details of a memorandum of opposition to issuance of an Order of Conditions for the project provided on behalf of the Trustees of Santini Realty Trust at 26 Dudley Street. The letter objects to the site's stormwater management and planned work on Arlington-owned land that abuts the subject site. He inquired whether those issues, as well as the added fill that Santini Realty Trust expects will be needed for construction, had been addressed. S. Chapnick responded that the commission will respond, including comments from the town engineer, after details of the Notice of Intent are finalized, pending additional submittals from the Applicant. E. Gerade shared that no relevant changes were made to the stormwater management since the initial submittal and the amount of fill needed was minimal.

E. Gerade requested a continuance to the May 19, 2022, meeting. N. Stevens motioned to continue the hearing to the May 19, 2022, meeting. M. Gildesgame seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame – yes, N. Stevens – yes, D. Kaplan – yes, P. Heidell – yes.

M. Gildesgame motioned to adjourn, D. White seconded. Meeting adjourned at 9:15 PM.



## Arlington Conservation Commission

Date: May 19, 2022

Time: 7:00 PM

Location: Conducted by Remote Participation

Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Mike Gildesgame, Pam Heidell, Dave Kaplan (joined at 8:15 PM), and David White. Associate Commissioners Cathy Garnett, and Myra Schwartz. Conservation Agent David Morgan.

Absent: Commissioner Nathaniel Stevens, Associate Commissioner Doug Kilgour

Members of the Public: Karen Grossman (Friends of Spy Pond Park), Bill Copithorne (Town of Arlington Engineering Division)

### Agenda

#### I. Administrative

1. Approval of April 21<sup>st</sup> and May 5<sup>th</sup>, 2022, Meeting Minutes  
M. Gildesgame motioned approval of the April 21<sup>st</sup>, 2022, meeting minutes. D. White seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame – yes, P. Heidell – yes.

M. Gildesgame motioned approval of the May 5<sup>th</sup>, 2022, meeting minutes. P. Heidell seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame – yes, P. Heidell – yes.

2. Park & Recreation Commission Update

C. Garnett reported that Eric Gerade of VHB presented to the Park & Recreation Commission about the work at 34 Dudley Street. He had reported that Recreation had given permission for the applicant to work on the part of the proposed project that is to take place on Town owned land. D. Morgan will ensure that Recreation also signs the NOI. C. Garnett shared that the sod at Arlington Reservoir had been installed and requested that D. Morgan remind Recreation of the fertilizer requirements of their Order of Conditions.

3. Stormwater Regulations Update with Bill Copithorne

Assistant Town Engineer Bill Copithorne presented the updated stormwater regulations and their implications for the Conservation Commission.



## Arlington Conservation Commission

C. Tirone asked about coordination between departments and how the stormwater bylaw would be implemented. B. Copithorne responded that the threshold of proposed additional impervious surface that triggers the stormwater bylaw should be flagged by Inspectional Services and the conservation agent prior to coming before the commission. D. Morgan stated that this is his current practice and that he had updated application guidance documents to reinforce the requirements.

D. Kaplan asked about a potential loophole that would allow more impervious surface than the law would otherwise allow. B. Copithorne said that Engineering has observed and addressed the loophole. The response has been to allow for the increase in impervious surface when other stormwater management techniques (e.g., pervious driveways) offset the increase, and that such projects could be eligible in certain circumstances for a minor permit application. Engineering will review in the coming years.

K. Grossman asked what entity is responsible for runoff from public properties and how the public can get the Conservation Commission involved. B. Copithorne explained that the control of runoff is dealt with by Engineering under the MS4 permit requirements. Engineering or DPW dispatch are available for specific inquiries.

4. Comments on 1021 – 1025 Massachusetts Avenue 40B Development  
S. Chapnick described that a site application has been made by the developers of 1021 – 1025 Massachusetts Avenue to Mass Housing. The Department of Planning and Community Development has requested input on the application from the Conservation Commission. C. Garnett said that the applicant would plant more trees and biomass than would be taken out. She said that the Reservoir methodology was similar, and the project could yield like results. S. Chapnick noted that there is debris in the wooded area at the rear at the lot that would need to be cleared. She added that an invasive removal plan would be needed. C. Garnett agreed and said the applicant would need to specify the type of soil that would replace what is on site. P. Heidell offered that the comments should include mention of the progress the applicant has made. C. Tirone suggested that the comment letter should request that the proposed private park be made public. C. Garnett asked that public education be provided about the native plantings and access provided for the public to learn about the benefits of native plantings. S. Chapnick agreed to draft the comment letter from the Comission.



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### II. Hearings

#### 1. Notice of Intent: 34 Dudley Street

Documents: 34 Dudley Notice of Intent Package, 34 Dudley Supplemental Materials Package

*This application was first heard on March 3, 2022. The hearing was continued at the applicant's request. The commission requested the applicant to update documents related to photometrics, shading, erosion controls, and stormwater management.*

This public hearing will consider a Notice of Intent to construct a five-story self-storage facility at 34 Dudley Street and remove a failing retaining wall on the adjacent Town-owned parcel at 0 Grove Street. As proposed, the project will result in impacts within the Riverfront Area to Mill Brook, 100-foot Adjacent Upland Resource Area, and buffer zone to Bank.

E. Gerade requested a continuance to the June 2<sup>nd</sup>, 2022, hearing. He shared that the Arlington Redevelopment Board approved the application with conditions. These include integration of the roof drain units, solar power on the rooftop, adding an employee shower, and removing the car sharing parking space, as well as minor updates to signage. P. Heidell requested that the Town engineer review the plan prior to the June 2, 2022, meeting. E. Gerade agreed to have comments by May 25<sup>th</sup>.

P. Heidell motioned to continue the hearing to the June 2<sup>nd</sup>, 2022, meeting. D. White seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame – yes, P. Heidell – yes.

#### 2. Request for Determination of Applicability: 157 Mt. Vernon Street

Documents: 157 Mount Vernon RDA Package

This public hearing considered a Request for Determination of Applicability for restoration of the open space (Parcel ID 143-8-10) adjacent to 157 Mt. Vernon Street. Work is proposed within the Buffer Zone and Adjacent Upland Resource Area to an isolated vegetated wetland.

C. Garnett requested that the applicant plant more native plants to bring the ratio of native to naturalized up to ~3:2, especially increasing the native plantings by the stream. The applicants were receptive and agreed



## Arlington Conservation Commission

to provide a revised planting plan. S. Chapnick asked about invasive removal on site. The applicants shared that they do only hand removal and will continue to do so. D. Kaplan suggested that the applicant consult the planting list published by the Friends of Fresh Pond for inspiration. C. Garnett offered the Missouri Botanical Garden as another resource.

P. Heidell motioned to issue a determination that no Notice of Intent need be filed. C. Tirone added that the conditions of the determination would be that invasive management would be done by hand and that a planting plan would be submitted to the conservation agent. D. Kaplan seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, D. White - yes, and M. Gildesgame – yes, P. Heidell – yes, D. Kaplan – yes.

C. Garnett asked the applicant to post a sign about the restoration effort for public education purposes.

### III. Administrative (continued)

#### 1. Draft Arlington Wetland Bylaw Regulation Updates

Discussion of the draft of the updated and revised Arlington wetlands regulations was postponed to the June 2<sup>nd</sup>, 2022, meeting.

#### 2. Water Bodies Working Group Update

D. Morgan said that the contract for Spy Pond with SWCA and Water & Wetland has been signed. Friends of Spy Pond Park requested \$300 for native plantings and D. Morgan requested those funds from the Envision Arlington budget. Work at Hill's Pond has commenced with a new aerator and algae treatment. SOLitude has not responded concerning the contract for mechanical harvesting of water chestnut at Arlington Reservoir.

D. White motioned to adjourn. Meeting adjourned at 9:16 PM.



## Arlington Conservation Commission

Date: October 20, 2022

Time: 7:00 PM

Location: Conducted by Remote Participation

Attendance: Commission Members Susan Chapnick (Chair), Chuck Tirone (Vice Chair), Mike Gildesgame, Pam Heidell, David Kaplan, David White, and Nathaniel Stevens. Associate Commissioners Cathy Garnett and Myra Schwartz. Conservation Agent David Morgan.

Members of the Public: Cybille MacDonald, Mary Trudeau (Environmental Monitor, 88 Coolidge), Jonathan Nyberg (Owner, 88 Coolidge), Chad Smutzer (Structural Design Engineer, 88 Coolidge), Sonny Ferrante (Builder, 88 Coolidge)

### Minutes

#### I. [7:05 PM] Administrative

1. Approval of October 6, 2022, meeting minutes  
M. Gildesgame motioned to accept the minutes as edited. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.
2. Approval of FY24 Conservation Agent Salary Offset  
D. Morgan summarized the balances of Conservation Commission accounts and requested a 10% offset of the Agent's salary be approved by the Commission for FY24. N. Stevens motioned to approve the offset. D. Kaplan seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.
3. Approval of 2023 Conservation Commission Meeting Schedule  
D. Morgan suggested Conservation Commission meeting dates for the 2023 calendar year. The Commission requested corrections to the schedule be presented at the November 3, 2022, meeting.

#### II. Updates

1. Water Bodies Working Group  
D. Morgan shared that variable milfoil was discovered in Spy Pond. Treatment should occur in the spring, therefore there is no need to approve the permit before a date certain in 2023.  
  
D. Morgan said that he would request a budget from the Friends of Spy Pond Park for the 2023 calendar year.



## Arlington Conservation Commission

D. Morgan showed a draft sign he proposed posting at harmful algal bloom sites, most urgently at Hill's Pond. He agreed to revise and simplify the wording.

D. White mentioned there was a pump that supplied extra water to the pond that could be reactivated. D. Morgan commented that Menotomy Rocks Park is being fertilized regularly, likely contributing to the harmful algal bloom occurrences.

### 2. Park & Recreation Commission Liaison

C. Garnett said that sometimes dust from the on-going construction becomes an issue at Hurd Field. The construction will be wrapped before winter and the site seeded and prepared for use in the spring. D. Kaplan asked D. Morgan whether he had evaluated the dust issues. D. Morgan said that the contractor was aware of the problem and had been using typical dust control measures.

### 3. Tree Committee Liaison

No update.

## III. Discussion

### 1. Endorsement of Gas Leaks Task Force Resolution to the Select Board

D. Morgan requested that the Conservation Commission endorse a resolution to be submitted to the Select Board by the Gas Leaks Task Force. D. White motioned to endorse the resolution. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.

### 2. Residences at Mill Brook (1021 Mass. Ave.) 40B Comprehensive Permit Submission

N. Stevens summarized the proceedings of the first meeting of the ZBA concerning the Residences at Mill Brook. He stated that the plans presented were different than those brought to Conservation Commission working sessions and that he expected fee waivers to be requested but no others. S. Chapnick volunteered to draft a letter commenting on the permit on the Commission's behalf. P. Heidell said the previously issued letter responding to the site eligibility application submission could be modified; S. Chapnick agreed. N. Stevens and P. Heidell volunteered to help draft the letter.



## Arlington Conservation Commission

### 3. 16 Forest Street Notice of Violation

C. Garnett expressed concern that the proposed replacements, sweetgums, were too large for the site. D. Kaplan mentioned that the plan included sewer lines in the proposed planting area. C. Garnett agreed to review before the next meeting.

### 4. 17 Mill Street Enforcement Order

N. Stevens motioned that the existing enforcement order be revised to define the work as replacement of the patio in kind, that work can be resumed, incorporate native mitigation plantings, and be overseen by Hancock Associates and the Conservation Agent. D. Kaplan seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.

C. MacDonald said that the DEP file number on the Mill Street fence is an old sign.

### 5. 88 Coolidge Road Enforcement Order

D. Morgan summarized the applicant's response to the existing enforcement order, including that all heavy machinery was removed from the site, that Environmental Monitor M. Trudeau visited and recommended no action for securing the site, and that M. Trudeau had stated such in an email sent October 16, 2022.

S. Chapnick stated that the Commission was in receipt of a letter from an attorney concerning the project, but that the letter was not received in time to be include in the materials for the current meeting. S. Chapnick said that the letter will be included in a future hearing should the applicant proceed with amending the Order of Conditions.

M. Trudeau corrected that her October 16, 2022, site visit resulted in repair and replacement of erosion and sedimentation controls, and that the changes will be noted in her next report.

D. Morgan reminded M. Trudeau that the Order of Conditions requires the Environmental Monitor to visit after precipitation events of > 0.1".

C. Smutzer, P.E. stated that it was his professional opinion that the house will need to be pinned to the ledge and that additional ledge will need to be removed to get to stable ground; the ledge at the surface has fractured. S. Chapnick said that the change in site conditions likely results in new hydrogeology that will affect the adjacent wetland resource areas, and that



## Arlington Conservation Commission

further evidence would be needed to prove that the resource areas would not be affected by pinning the structure to ledge.

N. Stevens suggested that the Applicant file for an Amended Order of Conditions, at which point the Commission could hire a peer reviewer to evaluate possible changes in hydrogeology.

M. Trudeau reiterated her request (made previously by email to D. Morgan) for copies of the hydrogeology reports accompanying the public hearings for the Notice of Intent for 88 Coolidge.

S. Ferrante reiterated that the conflict between state building code and the Order of Conditions rendered the site unbuildable. He pointed out that there is a note on the approved plans to discuss pinning the structure with the structural engineer. N. Stevens clarified that the Order of Conditions supersedes any plan details.

P. Heidell said that the peer review should be at the Applicant's expense. D. Kaplan thought that the process of selecting the peer reviewer should be reviewed by the Commission.

M. Trudeau said that the Applicant will be submitting for an Amended Order of Conditions and likely hiring their own hydrogeologist.

C. Tirone directed that securing the site for winter be added to the enforcement order. N. Stevens added that the Applicant would need to seek and obtain an Amended Order of Conditions before work would be allowed to resume. C. Tirone reminded that the existing Order of Conditions is still in force and effect.

C. Tirone motioned to issue the amended enforcement order. N. Stevens seconded. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, N. Stevens – yes, D. White – yes.

### 6. Draft Arlington Wetland Bylaw Regulation Updates

D. Morgan summarized proposed changes to the regulations.

S. Chapnick pointed out that there is sufficient evidence now to support banning artificial turf fields in resource areas.

P. Heidell noted that there were parts of the Land Subject to Flooding



## Arlington Conservation Commission

section that ought to be revisited, including the ratio of compensatory flood storage for projects disturbing less than 10 cubic feet, and the summary of the Floodplain District zoning bylaw, which should be removed. P. Heidell also suggested reiterating findings about intermittent streams and asked whether the default permit duration should be five years. D. Morgan said that shorter periods were preferable from the Agent's perspective because they allow for adaptive management. S. Chapnick suggested allowing permits to be issued for "up to five years".

S. Chapnick advocated for using the NOAA++ standard. P. Heidell pointed out that DEP hasn't yet changed their regulations to use the NOAA+ standard and indicated that some members of the DEP stormwater management advisory committee have suggested using different standards for pre- and post-(re)development conditions. Someone suggested using one set of data for existing conditions and another for proposed conditions. D. Morgan asked whether there could be a size threshold for determining whether the more stringent standard applies. P. Heidell said that, since the flooding effects are cumulative, that approach would not make sense.

P. Heidell offered to write a memo summarizing the different standards. D. Morgan offered to discuss the proposed changes with Engineering.

### IV. [8:00 PM] Hearings

#### 1. Notice of Intent: Spy Pond Aquatic Invasive Management (Continued) Documents: Spy Pond Aquatic Invasive Management NOI Package

D. Morgan reported that treatment for variable milfoil would be better done in spring, which means there is no urgency to approve the Order of Conditions before the start of 2023. He said that the Notice of Intent does not elaborate on which manual removal methods are to be used and that the Commission could designate those in the Order of Conditions. He suggested continuing the hearing to February 2, 2023.

D. Kaplan suggested drafting a menu of manual removal options.

D. White motioned to continue the hearing until the February 2, 2023, meeting of the Conservation Commission. D. Kaplan seconded the motion. A roll call vote was taken: S. Chapnick – yes, C. Tirone – yes, M. Gildesgame – yes, P. Heidell – yes, D. White – yes.



## Arlington Conservation Commission

M. Gildesgame motioned to adjourn. Meeting adjourned at 9:49 PM.



**ARLINGTON  
AFFORDABLE  
HOUSING TRUST**

November 12, 2022

Christian Klein, Chairperson  
Arlington Zoning Board of Appeals  
23 Maple Street  
Arlington, MA 02476

**Re: Comprehensive Permit Application, 1021-1025 Massachusetts Avenue**

Dear Chairperson Klein:

Reference is made to that certain Comprehensive Permit Application for 1021-1025 Massachusetts Avenue in Arlington (the “Application”) submitted by 1025 Mass Ave LLC (the “Applicant”). The proposed 50-unit home ownership development (the “Development”) would include thirteen (13) units affordable to families earning at or below 80% AMI, as required under M.G.L. c. 40B (the “Comprehensive Permit Law”), as well as approximately 1,000 square feet of ground floor commercial space.

**About the Arlington Affordable Housing Trust**

Established by Town Meeting, the purpose of the Arlington Affordable Housing Trust Fund (the “Trust”) is “to provide for the preservation and creation of Community Housing in the Town of Arlington.” The Trust is authorized to support low-income and moderate-income housing, including senior housing for those 60 years and over. We respectfully submit these comments regarding the Development for the consideration of the Zoning Board of Appeals. We are grateful for the ZBA’s collaboration with us in the preparation of our Five-Year Action Plan, which was just this week approved by the Select Board, and are pleased to have the opportunity to comment on the subject Application.

**Arlington’s Affordable Homeownership Gap**

Arlington presently has only 13 deed-restricted affordable home ownership units. This is unfortunate, since, as Arlington’s Housing Plan, approved by DHCD on June 13, 2022 (the “Housing Plan”) highlights, Arlington has few or no viable options for first-time homebuyers to find a home they can afford<sup>1</sup>. According to the Housing Plan, in 2019, households earning Arlington’s town-specific median family income of \$145,141 could reasonably afford a

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<sup>1</sup>Housing Production Plan, p. 71

single-family home priced at not more than \$592,500 or a condominium priced at not more than \$521,500, both significantly below Arlington's median sale prices for both single-family homes and condominiums in the same year<sup>2</sup>. The situation has only worsened since 2019, with median sales prices for single-family homes and condominiums at \$950,000 and \$695,000, respectively, in 2021<sup>3</sup>.

### **Creating Affordable Homeownership Opportunities**

As described above, homeownership is particularly out of reach for low- and moderate-income households in Arlington. Unfortunately, there are few state and local subsidies available to bridge the substantial gap between a price affordable to low-income purchasers and actual single family home and condominium prices in Arlington. While there are state and federal homeownership programs that reduce mortgage rates or costs, or help with downpayments, these programs help low-income buyers increase their purchasing power, but not likely by enough to put Arlington's high homeownership prices within reach.<sup>4</sup>

For example, a 4-person family with income equal to 80% of AMI would earn \$111,850 per year, and is estimated to be able to afford a home priced at \$290,300.<sup>5</sup> However, the median purchase price of a single family home in Arlington right now is \$950,000, or \$695,000 for a condominium. That means each affordable homeownership unit would require at least \$400,000 of subsidy, most of which would need to be provided by the Town. The cost of just the 13 units proposed at the Development could be estimated to exceed \$5 million - funds Arlington does not currently have available for this purpose.

As a result, a deal like the subject Development - where profit from market rate home sales would cross-subsidize affordable ownership opportunities without the need for public subsidy - represents one of Arlington's only realistic pathways to homeownership for low- and moderate-income households. Accordingly, the Trust's Five Year Action Plan, developed in consultation with the Zoning Board of Appeals and approved just this week by the Select Board, commits to encourage the creation of affordable homeownership opportunities for low- or moderate-income purchasers in mixed income homeownership developments like the subject Development. Adding 13 deed-restricted affordable homeownership units would double the number of affordable homeownership units in Arlington and represent a rare chance to offer families earning less than 80% of area median income ("AMI") an opportunity to purchase homes in Arlington.

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<sup>2</sup> Housing Plan at pg. 43.)

<sup>3</sup> <https://tamelarache.com/statistics/arlington-ma/>

<sup>4</sup> There has been limited success in other communities using Section 8 vouchers to subsidize homeownership, but the Trust will explore this option and add it to the Action Plan if it proves promising.

<sup>5</sup> Affordable Housing Trust, 5-Year Action Plan (2022-2027), p. 5.



## **Increasing Affordability**

While the Comprehensive Permit Law requires that 25% of the units in the development be affordable to purchasers with incomes at or below 80% of area median income, we encourage you to urge the developer to consider offering either more affordable units to the community, or to make some of the required units affordable to purchasers with incomes below 80% of AMI, as suggested by the Select Board in their initial support letter submitted with the Development's request to MassHousing for site approval. In either case, the Trust would be happy to meet with the developer to discuss the financial feasibility of additional affordability, and we or other Town bodies may be in a position to provide some limited subsidy to mitigate the cost of affordable units in excess of - or at income levels below - the minimum thresholds set by the Comprehensive Permit Law.

The Trust conducted an extensive community engagement process during 2022 and heard from many residents a deep concern about home prices in Arlington being out of reach for all but relatively affluent purchasers. While the Trust's particular mission and mandate is limited to households with incomes at or below 100% of area median, the community expressed a strong desire for housing solutions that sustain full economic diversity in our community, including housing for what is increasingly considered the "missing middle." Accordingly, the community may value additional homeownership units of various sizes priced to be affordable to middle-income people who are teachers, office workers, first responders, young professionals, or retirees looking to downsize. The ZBA is in a unique position to advocate for such outcomes as you review the developer's request for a comprehensive permit.

## **Plan for Diversity and Inclusion**

Arlington's Fair Housing Action Plan and Housing Plan highlight a lack of substantial racial and ethnic diversity in our community, a trend away from economic diversity, and substantial housing challenges that are preventing, or have the potential to prevent, seniors, people with disabilities or special needs and people of color from moving to or staying in Arlington. The creation of housing affordable to such groups, and designed to meet the needs of such groups, is an important priority for the Trust, and we have committed to be guided in our work by the principle of planning for diversity and inclusion in our community.

The Federal Reserve Bank of Boston has found that greater Boston has alarming racial wealth gaps.<sup>6</sup> It should come as no surprise that Massachusetts also has wide racial homeownership gaps - with 69% of white households owning their homes, while only 35% of households of color own.<sup>7</sup> Reducing these gaps even incrementally requires particular

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<sup>6</sup> The Color of Wealth report found that the average wealth of white households was \$247,500, vs. just \$8 for a U.S. Black household and less than \$15,000 for Caribbean Black, Puerto Rican, Dominican and other Hispanic households.

<https://www.bostonfed.org/publications/one-time-pubs/color-of-wealth.aspx>

<sup>7</sup> file:///C:/Users/KKelleher/Downloads/REACH-presentation%20(4).pdf



commitment in communities like Arlington, where home prices are high, and in 2019, there was only one home loan made to a Black purchaser in Arlington.<sup>8</sup>

While these facts add particular urgency to the need to create affordable homeownership opportunities wherever we can, they also support the need to include, in any comprehensive permit issued for the Development, conditions that maximize the opportunity for the affordable homeownership units to advance diversity and equity in our community and our region. Such conditions would presumably include a prohibition on the use of local preference to select affordable home buyers,<sup>9</sup> and intentional outreach and homeownership training partnerships with organizations like the Massachusetts Affordable Housing Alliance - specifically MAHA's Saving Toward Affordable & Sustainable Homeownership ("STASH") program, which assists first-generation homebuyers to buy their first home, in an effort to address the Commonwealth's deep racial homeownership gap.<sup>10</sup>

We also note that the Commonwealth recently announced a new MassDREAMS program which provides grants to help certain first-time homebuyers living in communities disproportionately impacted by the pandemic with their downpayment and closing costs.<sup>11</sup> The eligible communities are diverse low-income communities and do not include Arlington, but the funds can be used to buy a home in any community in the Commonwealth. When Arlington does have affordable homeownership opportunities, we hope that they will be proactively marketed to purchasers participating in the MassDREAMS program, or others like it.

In any event, we hope that any process to select affordable purchasers would include early planning to ensure that purchasers are prepared for homeownership with homeownership counseling, post-purchase counseling and other structural supports to ensure they have the information and resources they need to succeed as homeowners.

The Zoning Board of Appeals plays an important role in advancing housing affordability in Arlington, and we are grateful for its thoughtful review of the Development. We recognize that the Application presents other issues of interest to the Town, such as with respect to wetlands and other conservation matters, transportation and traffic impact, and utilities, water and waste management. We strongly support incorporating climate resiliency in all aspects of the Development, but respectfully defer to you and other appropriate Town bodies with respect to such matters and appreciate the difficult work of the Zoning Board of Appeals in evaluating and incorporating such feedback in its decision.

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<sup>8</sup> <http://financialequity.net/wp-content/uploads/2021/08/MCBC-FY21-Mortgage-Lending-Report-final.pdf>

<sup>9</sup> This would be consistent with the recommendations of the Town's Housing Plan and Fair Housing Action Plan, and would follow a similar condition imposed by the ZBA in the comprehensive permits for both 1165R Massachusetts Avenue and Thorndike Place.

<sup>10</sup> <https://mahahome.org/STASH>

<sup>11</sup> <https://www.masshousing.com/en/home-ownership/homebuyers/massdreams>



In conclusion, the Development presents an opportunity to substantially increase the number of permanently affordable homeownership units in Arlington, without subsidy from the Town. This is a critical opportunity without recent precedent, that the Arlington Affordable Housing Trust Fund urges you to capitalize on. We hope that you will also explore with the Developer whether additional affordable units, or units affordable to a broader range of residents, could be included in the Development, and we stand ready to join those discussions and to consider how such units might be financially feasible.

Many thanks for your consideration and your thoughtful and dedicated service to the Town.

Respectfully submitted,

**Arlington Affordable Housing Trust Fund**

By:



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Karen E. Kelleher, Chair

From: Alex Bagnall <alex.bagnall@gmail.com>  
To: zba@town.arlington.ma.us  
Date: Mon, 14 Nov 2022 19:11:24 -0500  
Subject: Public Comment on 1021-1025 Mass Ave

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Good Evening Members of the ZBA,

I am writing in support of the 1025 Mass Ave project. I have reviewed the project materials available on the town web site and watched the presentation on 10/18.

This is exactly the kind of mixed-use, mixed-income project we should be welcoming into town. The project will create affordable housing opportunities with affordable equity building possibility, not something that happens very often, especially here. It will create 50 sorely needing housing units, including some sized for families. It is on one of our primary transportation corridors and close to the bike path. It is even three doors down from a bike shop. The project is extremely well positioned to allow residents to live carbon-light lifestyles.

Yes, new construction is going to be on the expensive end. Construction costs in the region are high. Land is expensive. On the upside, as academic studies have shown, the construction of market-rate housing helps relieve upward pressure on existing housing units. The construction of 50 new units has the potential to relieve pressure on 25 condo conversions of existing two-family houses, potentially preserving sorely needed rental units. It is our lack of supply that drives up housing prices, not new construction. Municipalities that have allowed more new construction have had lower rates of growth in their housing prices and more stable housing prices in general.

The project seems quite likely to be of great economic benefit to the storefronts across the street and along Mass ave in

general.

While the loss of a large sycamore tree is regrettable, I think we must consider that in a broader context. If we, as a town, do lot allow this sort of development here, it does not eliminate the demand for these housing units. They are likely to be built further away from the city center, on a large lots, potentially clearing dozens of acres of forest, requiring new roads and infrastructure to be built, and creating housing units where the occupants will have significantly larger carbon footprints than they would here in Arlington. Reflexive conservation is not necessarily good environmental policy. Sprawl is a much greater threat to our environment than an apartment building in a walkable neighborhood with good access to public transit and a bike path.

In 2010, Arlington voted to support 40B, voting down a ballot question on repealing it 64-36 percent. As a town, we support the goals of 40b. This project seems very much in keeping with those goals. As other town residents have noted in their groundbreaking book, *Neighborhood Defenders*, the public comment period on a project is often not representative of the town in general.

The one place where I might take issue is with the project is the application for a waiver from the up-lighting prohibition. We just passed that in town meeting. Not sure the uplighting is critical to the creation of much-needed housing.

Finally, the project brings all of this to the town without spending a nickel from the town budget. We should welcome it expediently and hope for other such developments to follow the same path.

Thank you for your careful consideration of this project and service on the ZBA.

Alex Bagnall  
Wyman Street

Dear Redevelopment Board,

I write in support of the 40B development at 1021 and 1045 Mass Avenue. Unfortunately, I have a conflict with tonight's meeting and so offer my thoughts in writing rather than in person.

This development addresses several important needs in our community. First, it will provide accessible market rate housing that could e.g., serve someone who is interested in downsizing but wants to stay in Arlington. Over the years I've talked to many people in this situation. They have equity in the house they plan to sell and so can afford a market rate unit, but there are almost no places for them to move to in Arlington. When people in this situation are forced to move to other towns Arlington loses out---we lose the active engagement of our older residents and (more crudely) we lose economically as residents without children in the school system add to the tax base.

The second need it addresses is to provide 13 affordable home ownership opportunities, which is very rare in the Boston area. 90% of the racial wealth gap in America is a direct result of de jure racist housing policies by federal, state, and local governments. It is critically important that we create more opportunities for people to build wealth in our community by offering more opportunities for people to buy into our community.

Opponents will likely claim that someone making 80% of the Area Median Income (AMI) is still "well off", but the truth is that even someone at 100% or 120% of the AMI cannot afford to live in Arlington. When people in this income range are priced out of Arlington, we all lose. A town where only the very wealthy can afford to live here is not a vibrant community.

I understand the sadness that comes with the removal of mature trees. Mature trees are majestic and beautiful, and they make us happier. But we shouldn't kid ourselves that this is an issue of carbon sequestration. If we fail to build additional houses in Arlington (a well-developed community with access to public transit) the climate trade-offs are worse because the alternative is to build further out -- tearing down even more mature trees and necessitating more driving.

A final thing to note is that this project is really cool looking, with a gym, adequate bike storage, and common courtyard. This is exactly that kind of project I would love to see more of in Arlington. In fact, I would love to move to such a development when the stairs in our old house get too difficult for us. I hope the ARB decides to vote in its favor.

Jennifer Susse  
Teel Street, Arlington

**From:** "Zoning Board of Appeals" <ZBA@town.arlington.ma.us>  
**To:** "Vincent Lee" <VLee@town.arlington.ma.us>  
**Cc:** cklein@town.arlington.ma.us  
**Date:** 11/15/2022 10:35 AM  
**Subject:** Fwd: 1021-1025 Mass Ave comment

---

Please post, thank you.

**Richard J. Vallarelli**  
Zoning Board Administrator  
Building Inspector  
Town of Arlington, Massachusetts

From: James Fleming <jflemingwpi13@gmail.com>  
To: zba@town.arlington.ma.us  
Date: Sat, 12 Nov 2022 22:01:56 -0500  
Subject: 1021-1025 Mass Ave comment

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Hello!

Please consider this a public comment on 1021-1025 Mass Ave.

I think the applicant should put the building at the street (i.e. 0 setback), to be in line with the other buildings in Brattle Square. Such a placement would harmonize it with the other buildings there, making the entire square feel more contiguous.

Additionally, the open space provided in the front of the building as originally proposed will be uncomfortable to use by the residents of the building; it should be self-evident that using a front yard that directly faces the public realm on a main transportation corridor makes residents feel very exposed. Having lived in an apartment building on Mass Ave with open space in front, nobody used the front yard. Putting the building on the street, and moving any open space to the back, would make it much more likely to be used.

A nice-to-have side effect of putting the building on the street is there should be less contention about cutting down trees. It is simultaneously true that 1) trees are good for the environment, 2) the trees that exist on the lot are invasive species, and 3) it is private property, the owner has property rights, and those trees do not shade the public realm. I assert there is no answer that harmonizes all those objectives if the question of trees being cut down comes up. Moving the building to the street may partially or completely sidestep this contention.

I hope the applicant considers moving the building closer to the street, or that the ZBA encourages them to that effect. I think it would improve the project and do a better job harmonizing the competing interests of everyone involved in this discussion.

- James Fleming, 58 Oxford St



**From:** "Zoning Board of Appeals" <ZBA@town.arlington.ma.us>  
**To:** "Vincent Lee" <VLee@town.arlington.ma.us>  
**Cc:** cklein@town.arlington.ma.us  
**Date:** 11/15/2022 10:38 AM  
**Subject:** Fwd: 1021-1025 Mass. Ave.

---

Hi Vin,

Please post.

Thanks

**Richard J. Vallarelli**  
Zoning Board Administrator  
Building Inspector  
Town of Arlington, Massachusetts

From: Laura Wiener <laura.wiener73@gmail.com>  
To: zba@town.arlington.ma.us  
Date: Sat, 12 Nov 2022 16:24:16 -0500  
Subject: 1021-1025 Mass. Ave.

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Dear ZBA Members,

I am writing to express my support for the mixed use/multi-family housing proposed for 1021-1025 Mass. Ave. The fifty homeownership units will provide needed housing and different housing than is widely available in Arlington. Homeowners and empty nesters wanting to downsize have few options available because Arlington has relatively few condominiums. And the 13 affordable condos will provide opportunities for moderate income and diverse households who have few options today.

Arlington and the Boston region face a chronic housing shortage that is not being addressed by the current zoning, which incentivizes replacing single family homes with McMansions and nothing else. It can only be addressed with multi-family housing that produces a net increase of housing on a lot. This site is an excellent one for multi-family housing, with it's access to public transportation and services. This is exactly what the Town should be promoting to address our local and regional housing shortage.

I appreciate the Board's careful consideration of this and other projects. This one in particular I think can have a positive impact on the housing market in Arlington, both the market rate and the affordable units. It is badly needed.

Sincerely,  
Laura Wiener  
73 Jason St.

Sent from my iPad

From: STEPHEN B <srbz@aol.com>  
To: cmqklein@gmail.com, zba@town.arlington.ma.us  
Date: Wed, 16 Nov 2022 12:17:39 -0500  
Subject: 1021-1025 Mass Av Project Suggestions

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Re: 1021-1025 Mass Av Project Suggestions

Chair and Board Members,

There has been valid evidence presented to prevent this project from going forward.

However, if it does proceed, here are some suggestions to improve the outcome and reduce the impacts.

1. Lower the building 1 story into the ground.

The garage should NOT be at ground and sidewalk level.

This is a barren, sterile presentation to the street, reducing interaction with passers by.

Lowering the garage will reduce the actual visible size of the building and massing.

The building can easily be lowered as it is a downward sloping lot and already has foundation elements in what would be the basement level garage.

2. Set Garage Door back 20' from the edge of the sidewalk.

As currently designed, exiting cars would be part in and part out from under the garage door while waiting for pedestrians to clear the sidewalk.

As currently designed, entering cars would be blocking the sidewalk if they pull in and are waiting for the garage door to open.

3. Relocate the Common Courtyard to the front of the building, while still keeping it at the second floor level.

This will substantially reduce massing visibility from the Mass Av side.

This will reduce massing and imposing for neighboring 1017.

It will also add some activity to the streetscape.

There is little benefit having it on the side of the building.

Having it in the front will allow year round use, as it will not be shaded by the rest of the building.

4. Consider adding office space to the west side of the ground floor.

The east side has retail.

There is also need for medical, legal, professional, etc office space.

Having more doors on the front increases the interaction with the public.

The office space could solely be in the front, or could enter into a corridor for more space going deeper into the building.

5. The brick veneer should be Classic Red Brick, not gray or any other color.

Classic being the same common size historically used. Red being the standard medium to darker red seen on many buildings.

Classic red brick will look good on day 1 and look good in 200 years.

It will be compatible with nearby brick buildings.

Non-standard sizes and non-standard colors age poorly and can quickly become visually unpleasing.

6. The gray and cream colored fiber cement panels are “cheesy” looking. I’d suggest more brick or more conservative colors.

Thanks,

Stephen Blagden

From: Sarah Tuttle <s\_g\_tuttle@yahoo.com>  
To: "zba@town.arlington.ma.us" <zba@town.arlington.ma.us>  
Date: Wed, 16 Nov 2022 17:15:57 +0000 (UTC)  
Subject: In Support of 1021-1025 Mass Ave Affordable Housing

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Dear Zoning Board of Appeals,

I am writing to voice my firm, unwavering support for the development of affordable housing at 1021-1025 MA Ave, The Residences at Mill Brook project. This project will be constructed on my block, and I could not be more thrilled. What a fabulous development! Arlington needs more affordable housing desperately.

The lack of diverse housing options is hurting our town's ability to maintain a thriving population with multiple economic and cultural backgrounds. I personally know multiple people who have been priced out of Arlington, despite sometimes having over a hundred years of family roots in the town. In addition, Arlington's long history of disenfranchising non-white property owners means that we must take active steps to ensure that our community is available to all. Keeping our neighborhoods the same and refusing progress is, in effect, continuing Arlington's history of exclusion. This project is one step towards a more inclusive, viable future for our community.

Mixed use along the 77 bus line makes sense-- what a great way to support the use of public transit! Housing development within walking distance of grocery stores and within the heart of Brattle Square makes sense-- what a great way to support local businesses! Affordable housing in walking distance of our town's public orchard, the bike path, and Wellington Park (which the town has recently invested so much in to make it more usable to the community) makes sense-- what a great way to make our town's assets available to those who most need them! Everything about this project makes sense, and it is what I want to see on my block!

Thank you for you consideration of my letter as you consider this project.

Sincerely,  
Sarah Tuttle

44 Grove St.

From: Jane Brunet <brunet127@yahoo.com>  
To: "zba@town.arlington.ma.us" <zba@town.arlington.ma.us>  
Date: Wed, 16 Nov 2022 19:49:18 +0000 (UTC)  
Subject: In support of new affordable housing

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To whom it may concern,

I, Jane Brunet, am sending this email to the ZBA in order to voice my support of the thirteen affordable housing units proposed at 1021-1025 MA Ave, The Residences at Mill Brook project. This proposal will be so beneficial to families struggling to keep Arlington as their homebase. The current housing market in Arlington has hard-working families struggling to stay. The same goes that it is detrimental to new families wishing to join our community.

I fear those who oppose this proposal are aiming to keep people of different socio-economic backgrounds from making Arlington their home. Shame on them for holding onto outdated "not in MY backyard" mentalities. The people of this town are not well served by holding on to the past. I much prefer to live in a town where all are welcomed. Please help our town to continue moving forward (not backward) by greenlighting this housing proposal.

Thank you for your service and consideration,

Jane Brunet  
55 Broadway

[Sent from Yahoo Mail on Android](#)

From: Wynelle Evans <evco7@rcn.com>  
To: zba@town.arlington.ma.us  
Date: Fri, 18 Nov 2022 10:12:19 -0500  
Subject: re: 1025 Mass Ave.

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Please post in Correspondence Received

Dear members of the ZBA:

I have just seen the notice of the Nov. 22 meeting, so this may not get in under the wire for that meeting—I hope you will consider it carefully, though.

The proposed structure at 1021-1025 Mass. Ave. is enormous: 5 stories with the 4th stepped back, and covering the footprint of two good-sized existing houses. That block is mainly 2.5 story houses with a variety of uses, several of them of historic significance, including one slated for demolition.

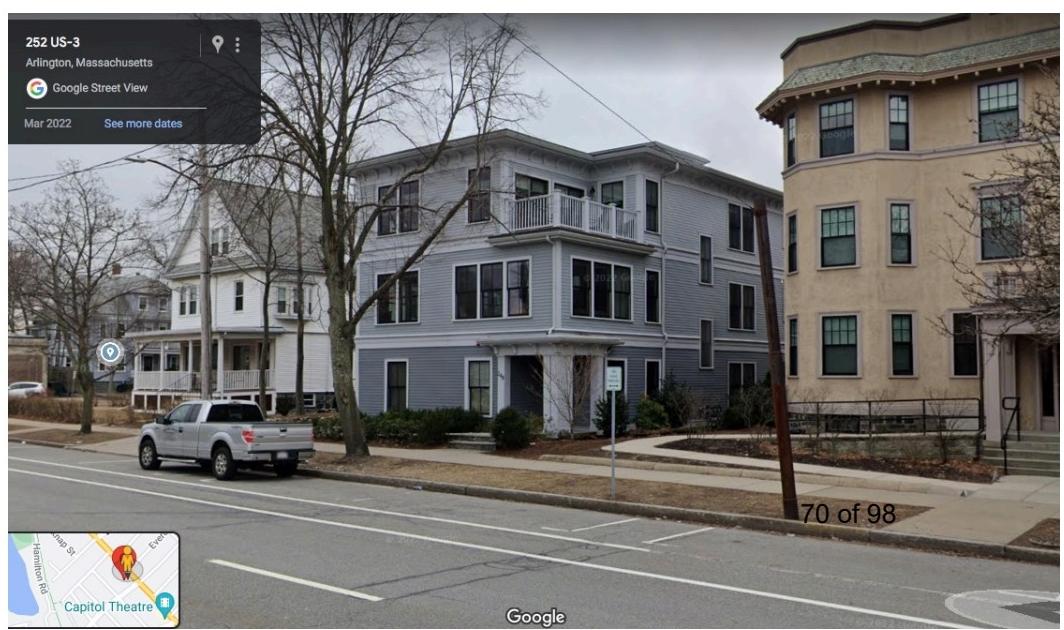
The current elevations show a very typical design in the mold of current cement panel facade buildings, which has nothing to do with the block, the town, etc. I spoke to the developer about this at the site visit, and he said they were looking at adding brick facing. I'd like to submit an example of a newer structure, much smaller of course, but one that references the architectural history of much of the town, and yet has a fresh look. To my eye, this is a very successful new build. See gray 3-story building in the attachment, at 248 Mass. Ave.

I hope the Board will keep in mind that this will be a very large intrusion into this block, and that better design will go a very long way toward smoothing acceptance.

Thank you for your attention to this matter, and see you Tuesday evening—

Best,  
Wynelle

-----  
Wynelle Evans  
TMM pct. 14  
20 Orchard Place  
Arlington, MA 02476  
781.643.4547 office  
781.859.9291 mobile  
[evco7@rcn.com](mailto:evco7@rcn.com)



November 15, 2022

Dear Zoning Board of Appeals,

I write in support of the 40B development at 1021 and 1045 Mass Avenue. Unfortunately, I have a conflict with tonight's meeting and so offer my thoughts in writing rather than in person.

This development addresses several important needs in our community. First, it will provide accessible market rate housing that could e.g., serve someone who is interested in downsizing but wants to stay in Arlington. Over the years I've talked to many people in this situation. They have equity in the house they plan to sell and so can afford a market rate unit, but there are almost no places for them to move to in Arlington. When people in this situation are forced to move to other towns Arlington loses out---we lose the active engagement of our older residents and (more crudely) we lose economically as residents without children in the school system add to the tax base.

The second need it addresses is to provide 13 affordable home ownership opportunities, which is very rare in the Boston area. 90% of the racial wealth gap in America is a direct result of de jure racist housing policies by federal, state, and local governments. It is critically important that we create more opportunities for people to build wealth in our community by offering opportunities like this for people to buy into Arlington.

Opponents will likely claim that someone making 80% of the Area Median Income (AMI) is still "well off", but the truth is that even someone at 100% or 120% of the AMI cannot afford to live in Arlington. When people in this income range are priced out of Arlington, we all lose. A town where only the very wealthy can afford to live here is not a vibrant community.

I understand the sadness that comes with the removal of mature trees. Mature trees are majestic and beautiful, and they make us happier. But we shouldn't kid ourselves that this is an issue of carbon sequestration. If we fail to build additional houses in Arlington (a well-developed community with access to public transit) the climate trade-offs are worse because the alternative is to build further out -- tearing down even more mature trees and necessitating more driving.

A final thing to note is that this project is cool looking, with a gym, adequate bike storage, and common courtyard. This is exactly that kind of project I would love to see more of in Arlington. In fact, I would love to move to such a development when the twisty stairs in our old house get too difficult for us. I hope the ARB decides to vote in its favor.

Jennifer Susse  
Teel Street, Arlington



## TOWN OF ARLINGTON

### DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

### MEMORANDUM

To: Zoning Board of Appeals  
From: Kelly Lynema, Assistant Director, Department of Planning and Community Development  
cc: Applicant, 1021-1027 Massachusetts Avenue  
Date: November 27, 2022  
RE: 1021-1027 Massachusetts Avenue Comments from Town Boards, Commissions, and Departments

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To aid the Arlington Zoning Board of Appeals (ZBA) in their review of the Arlington Land Realty, LLC Application for a Comprehensive Permit to develop Thorndike Place, the Department of Planning and Community Development (DPCD) has invited Town departments, boards, and commissions to provide comments and questions on the application materials.

At the ZBA's request, the DPCD solicited comments from the following: Affordable Housing Trust (Trust), Arlington Fire Department (AFD), Arlington Police Department (APD), Clean Energy Future Committee, Conservation Commission, Department of Public Works, Environmental Planner/Conservation Agent, Redevelopment Board (ARB), Senior Transportation Planner, Town Engineer, Town Manager, Transportation Advisory Committee (TAC), Tree Committee, Tree Warden. Comments were received from all except AFD, APD, the Town Manager, and the Tree Warden.

Below and attached to this memo are the collected comments.

- 1. Design:** The applicant is proposing a five-story building with commercial space and podium parking on the ground level, and four floors of condominium apartments above. It appears that each condominium offers single floor living in a building served by two elevators. Members of the ARB noted that this is a useful housing option for households interested in downsizing, remaining in Arlington, and living in an environment that avoids the need to navigate stairs. Additionally, the integration of the second floor courtyard and rear park is appreciated and will be attractive amenities for residents.

Overall, commenters appreciated the massing and use of materials, noting that the proposal is one of the better façades presented for development projects in recent years. The overall size and scale are appropriate for this location on Massachusetts Avenue, including the requested height and building setback waivers. However, the waivers for frontage setback should be conditioned on the applicant addressing the

removal of the parking area that abuts Massachusetts Avenue and instead detailing that area as a second retail tenant space (see first bullet below).

#### Ground Floor

- The applicant should add a second retail tenant space on the first floor in the plan southwest corner of the building in lieu of the six parking spots to the left of the drive aisle. A window into a parking space is not a desirable use of street-fronting developments along Mass Ave and does not work to activate the street in a highly pedestrian area of the town.
- The façade at the retail tenant space shown in the south east corner of the first floor needs to be clearly detailed and articulated through a change in plane and/or materials as a tenant space. Currently it is indistinguishable from the façade treatment for the building service areas, parking area, and apartment lobby entry.
- A sign band needs to be included for the tenant space. There is currently no sign band located for the tenant to adequately sign their space which will be a deterrent when leasing the space and create difficulties for future tenants with regard to complying with Section 6.2 of the Zoning Bylaw.
- For the retail tenant space, if a small cafe or other take-away restaurant use is intended at any time in the future, the applicant will need to plan for black iron hood exhaust through the building. By building it in now the property owner will have more options in the future.

#### General Design Comments

- Uplighting should be removed from the plans, as it is seen as both unnecessary and inconsistent with Title V, Article 14 (Regulation of Outdoor Lighting) in the Town's bylaws.
- Regarding the fiber cement panels, it would be preferred if they were made from a different material for the wood, such as an alucobond; the ARB has offered to assist in reviewing and providing feedback on the finish palette once samples are submitted.
- The Zoning Bylaw requires a 7.5 foot step back on Massachusetts Avenue. The applicant should provide this or request a waiver from Section 5.3.17.
- The ZBA may wish to request a shadow study for the proposed building.

### **2. Affordable Housing:**

Please refer to the attached comments and recommendations from the Affordable Housing Trust.

### **3. Conservation and Environmental Amenities:** Please refer to the attached comments and recommendations from the Conservation Commission and Tree Committee.

Additionally, ARB and staff note the following:

- The Zoning Bylaw requires one public shade tree shall be provided every 25 linear feet of lot frontage along a public way. This should be required per Section 6.3.
- The applicant should provide a buffer between sidewalk and the curb for pedestrians. The redevelopment is an opportunity to reconsider the relationship between development and the street, including expansion of the public realm.

- The applicant should consult with the Tree Warden on what trees should be saved and what trees (location, type, amount) need to be planted. The ZBA may wish to request a contribution to the Town's tree fund to be made as compensation for the reduction in trees on the rear of the parcels.

**4. Parking, Circulation, Access, and Connections:** The TAC, DPCD staff, and the ARB provided a review of traffic, parking, and circulation and provide the following comments. Please also refer to the attached memorandum from TAC and the Town Engineer.

**Vehicular Parking**

- The garage appears to have a lot of wasted garage drive aisle space; the drive aisle width for 90 degree angled spaces in a one-way configuration is about the same as a two-way configuration (usually around 24' wide). The applicant should consider a one-way traffic flow with a 45 or 60 degree to see if a redesign would free up some space for the ground floor commercial spaces (gym, office, retail, etc.). 60-degree angled parking is supposed to be an efficient parking setup as well, and takes up less space.<sup>1</sup>
- The applicant should indicate where handicapped and EV charging (level two) parking spaces will be provided. ADA requirements should be met for HP spaces; it is recommended that one space for every five spaces is an EV level two charger.
- The architectural plans show 53 parking spaces while the narrative and annotations indicate 50. The applicant should review the plans and narrative to make sure the numbers are consistent.

**Bicycle Parking**

- Bicycle parking requirements should be met; while waivers should not be provided to reduce the bicycle parking requirement, it appears that the applicant requesting a waiver for the type of long-term bicycle parking racks being provided.
- Regarding long-term bicycle parking: the Zoning Bylaw requires 75 spaces; the applicant proposes to provide 49 underground bike parking spaces and 26 garage spaces made up of hanging bike racks. To do this, the applicant would need a waiver solely for the bike rack design guidelines for those remaining 26 spaces to count. Note that sufficient short-term bicycle parking is proposed (five are required; eight are provided in front of the building).
- Dimensions should be provided for the bike parking room, the individual parking spaces, and elevators to ensure they follow bicycle parking guidelines.
- It appears that just enough hanging racks are provided at parking spaces along the walls to meet the required number of long-term spaces, however this leaves a few parking spaces along the walls without hanging racks. The applicant should consider providing bike parking racks for all parking spaces along the walls.
- Sheet A1.0 of the architectural drawings indicates that long-term bicycle parking is provided at basement level, and accessed via the building's elevators. The applicant

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<sup>1</sup> See page 10 of the MA Smart Growth / Smart Energy Toolkit Bylaw on Smart Parking Model Bylaw for recommended drive aisle widths. The Sr. Transportation Planner noted that the parking regulations in the Arlington Zoning Bylaw are out of date; these guidelines present more current recommendations for parking layout and design: <https://www.mass.gov/doc/smart-growthsmart-energy-bylaws-smart-parking/download>

- is encouraged to provide elevators that are at least six feet deep, which will allow most bicycles to be wheeled directly in and out of the elevator. (Most bikes are six to seven feet long—longer if they are long-tail, cargo, or trailer bikes; an undersized elevator will render the basement bike storage effectively useless.)
- The applicant should provide a repair stand and a pump in the bicycle storage room to encourage bicycle use by allowing repairs, periodic cleaning and lubrication, and convenient access to a repair stand.
  - Similarly, a garden hose should be provided on the exterior of the building to be used for bike washing. Bikes that are ridden in wet weather tend to collect dirt and debris, which is easily removed by a quick spray with a garden hose. Providing this facility outside may reduce the amount of dirt that gets tracked into elevators and the basement level of the building.
  - The applicant should consider a resident with a cargo bike could be accommodated (for example, an Urban Arrow or Xtracycle, the former of which is a "Dutch style" bike with a length of 107" and the latter is a "long tail" style with a length of 83").

#### Traffic Impact Analysis

- Some details do not align with the architectural plans. For example, the TIA states that 41 parking spaces would be in the ground level garage and an "additional 9 surface parking spaces provided in the rear of the building." Currently it is expected that all the parking would be interior in the garage. This discrepancy may be due to the timing of the TIA compared to the submission of the permit.
- The TIA makes no mention of the Minuteman Bikeway despite the fact that it is less than one quarter mile from the site. They also do not note that there is a bike lane on Mass Ave in their pedestrian and bicycle inventory.
- Bicycle or pedestrian crashes were not mentioned; please clarify if that is because there is no evidence of any such crashes in the data.

5. **Utilities:** Please refer to the attached comments and recommendations from the Town Engineer.
6. **Stormwater:** Please refer to the attached comments and recommendations from the Town Engineer.
7. **Sustainability:** The CEFC noted that the applicant has not provided information regarding energy systems and efficiency (beyond intent to include gas hookups), and presence of any solar or other renewable energy use. The applicant should provide a description of how the development aligns with the goals and priority areas within the Town's 2021 Net Zero Action Plan. This should include a description of building envelope, energy systems, and building materials, including, but not limited to:
  - Efficiency of building envelope;
  - Proposed energy systems, including fuel sources for heating, ventilation, and air conditioning (HVAC) and water heating; and
  - Any rooftop solar photovoltaics, electric vehicle charging stations (present and future), and pre-wiring of the building for such purposes, as well as eventual full electrification (if building is not all-electric).

Additionally, the CEFC noted that the application lacked evidence of awareness of Specialized Stretch Code. The ZBA may wish to ask whether the applicant intends to comply with the Specialized Stretch Code. It should be noted that this code aligns most closely with the Town's Net Zero Action Plan. Passive House is required under this code, and there is funding available through Mass Save Passive House Incentives for New Construction Multifamily:

- \$3K per unit and pre-development funding;
  - Funding is for any housing development with more than five units, beyond just for affordable housing;
  - There is also funding for various electric appliances through MassSave and through IRA starting in 2023.
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Overall, the provision of affordable homeownership opportunities and missing middle housing along a major bus line is supported by the boards, commissions, and departments. The project fits well with the Master Plan goals of encouraging mixed-use development along Arlington's main commercial corridors and providing a variety of housing options for a range of incomes, ages, and needs.

As noted by several commenters, this application is early in the hearing process and has not yet received peer review feedback. Details about the project will inevitably be changed and discussed during the hearing, as is appropriate for a project of this scale and complexity. The service, time, and consideration of the ZBA is sincerely appreciated.

I am happy to coordinate with boards, commissions, and Town staff should the ZBA wish to ask additional questions pertaining to their respective areas of expertise.

**Attachments:**

- Arlington Affordable Housing Trust Re: Comprehensive Permit Application, 1021-1025 Massachusetts Avenue
- Conservation Commission re: 1021 & 1025 Mass Ave – Application for Comprehensive Permit (40B) First Set of Comments from Conservation Commission
- Arlington Tree Committee (ATC) Concerns
- TAC Comments on the Comprehensive Permit Application for 1021-1027 Mass Ave
- Town Engineer re: Plan Review for 1021-1025 Mass Ave Comprehensive Permit (note that the Town Engineer indicated that his comments have not changed between the materials filed for the Project Eligibility Letter and those submitted for the Comprehensive Permit Application)



November 12, 2022

Christian Klein, Chairperson  
Arlington Zoning Board of Appeals  
23 Maple Street  
Arlington, MA 02476

**Re: Comprehensive Permit Application, 1021-1025 Massachusetts Avenue**

Dear Chairperson Klein:

Reference is made to that certain Comprehensive Permit Application for 1021-1025 Massachusetts Avenue in Arlington (the “Application”) submitted by 1025 Mass Ave LLC (the “Applicant”). The proposed 50-unit home ownership development (the “Development”) would include thirteen (13) units affordable to families earning at or below 80% AMI, as required under M.G.L. c. 40B (the “Comprehensive Permit Law”), as well as approximately 1,000 square feet of ground floor commercial space.

**About the Arlington Affordable Housing Trust**

Established by Town Meeting, the purpose of the Arlington Affordable Housing Trust Fund (the “Trust”) is “to provide for the preservation and creation of Community Housing in the Town of Arlington.” The Trust is authorized to support low-income and moderate-income housing, including senior housing for those 60 years and over. We respectfully submit these comments regarding the Development for the consideration of the Zoning Board of Appeals. We are grateful for the ZBA’s collaboration with us in the preparation of our Five-Year Action Plan, which was just this week approved by the Select Board, and are pleased to have the opportunity to comment on the subject Application.

**Arlington’s Affordable Homeownership Gap**

Arlington presently has only 13 deed-restricted affordable home ownership units. This is unfortunate, since, as Arlington’s Housing Plan, approved by DHCD on June 13, 2022 (the “Housing Plan”) highlights, Arlington has few or no viable options for first-time homebuyers to find a home they can afford<sup>1</sup>. According to the Housing Plan, in 2019, households earning Arlington’s town-specific median family income of \$145,141 could reasonably afford a

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<sup>1</sup>Housing Production Plan, p. 71

single-family home priced at not more than \$592,500 or a condominium priced at not more than \$521,500, both significantly below Arlington's median sale prices for both single-family homes and condominiums in the same year<sup>2</sup>. The situation has only worsened since 2019, with median sales prices for single-family homes and condominiums at \$950,000 and \$695,000, respectively, in 2021<sup>3</sup>.

### **Creating Affordable Homeownership Opportunities**

As described above, homeownership is particularly out of reach for low- and moderate-income households in Arlington. Unfortunately, there are few state and local subsidies available to bridge the substantial gap between a price affordable to low-income purchasers and actual single family home and condominium prices in Arlington. While there are state and federal homeownership programs that reduce mortgage rates or costs, or help with downpayments, these programs help low-income buyers increase their purchasing power, but not likely by enough to put Arlington's high homeownership prices within reach.<sup>4</sup>

For example, a 4-person family with income equal to 80% of AMI would earn \$111,850 per year, and is estimated to be able to afford a home priced at \$290,300.<sup>5</sup> However, the median purchase price of a single family home in Arlington right now is \$950,000, or \$695,000 for a condominium. That means each affordable homeownership unit would require at least \$400,000 of subsidy, most of which would need to be provided by the Town. The cost of just the 13 units proposed at the Development could be estimated to exceed \$5 million - funds Arlington does not currently have available for this purpose.

As a result, a deal like the subject Development - where profit from market rate home sales would cross-subsidize affordable ownership opportunities without the need for public subsidy - represents one of Arlington's only realistic pathways to homeownership for low- and moderate-income households. Accordingly, the Trust's Five Year Action Plan, developed in consultation with the Zoning Board of Appeals and approved just this week by the Select Board, commits to encourage the creation of affordable homeownership opportunities for low- or moderate-income purchasers in mixed income homeownership developments like the subject Development. Adding 13 deed-restricted affordable homeownership units would double the number of affordable homeownership units in Arlington and represent a rare chance to offer families earning less than 80% of area median income ("AMI") an opportunity to purchase homes in Arlington.

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<sup>2</sup> Housing Plan at pg. 43.)

<sup>3</sup> <https://tamelarache.com/statistics/arlington-ma/>

<sup>4</sup> There has been limited success in other communities using Section 8 vouchers to subsidize homeownership, but the Trust will explore this option and add it to the Action Plan if it proves promising.

<sup>5</sup> Affordable Housing Trust, 5-Year Action Plan (2022-2027), p. 5.



## **Increasing Affordability**

While the Comprehensive Permit Law requires that 25% of the units in the development be affordable to purchasers with incomes at or below 80% of area median income, we encourage you to urge the developer to consider offering either more affordable units to the community, or to make some of the required units affordable to purchasers with incomes below 80% of AMI, as suggested by the Select Board in their initial support letter submitted with the Development's request to MassHousing for site approval. In either case, the Trust would be happy to meet with the developer to discuss the financial feasibility of additional affordability, and we or other Town bodies may be in a position to provide some limited subsidy to mitigate the cost of affordable units in excess of - or at income levels below - the minimum thresholds set by the Comprehensive Permit Law.

The Trust conducted an extensive community engagement process during 2022 and heard from many residents a deep concern about home prices in Arlington being out of reach for all but relatively affluent purchasers. While the Trust's particular mission and mandate is limited to households with incomes at or below 100% of area median, the community expressed a strong desire for housing solutions that sustain full economic diversity in our community, including housing for what is increasingly considered the "missing middle." Accordingly, the community may value additional homeownership units of various sizes priced to be affordable to middle-income people who are teachers, office workers, first responders, young professionals, or retirees looking to downsize. The ZBA is in a unique position to advocate for such outcomes as you review the developer's request for a comprehensive permit.

## **Plan for Diversity and Inclusion**

Arlington's Fair Housing Action Plan and Housing Plan highlight a lack of substantial racial and ethnic diversity in our community, a trend away from economic diversity, and substantial housing challenges that are preventing, or have the potential to prevent, seniors, people with disabilities or special needs and people of color from moving to or staying in Arlington. The creation of housing affordable to such groups, and designed to meet the needs of such groups, is an important priority for the Trust, and we have committed to be guided in our work by the principle of planning for diversity and inclusion in our community.

The Federal Reserve Bank of Boston has found that greater Boston has alarming racial wealth gaps.<sup>6</sup> It should come as no surprise that Massachusetts also has wide racial homeownership gaps - with 69% of white households owning their homes, while only 35% of households of color own.<sup>7</sup> Reducing these gaps even incrementally requires particular

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<sup>6</sup> The Color of Wealth report found that the average wealth of white households was \$247,500, vs. just \$8 for a U.S. Black household and less than \$15,000 for Caribbean Black, Puerto Rican, Dominican and other Hispanic households.

<https://www.bostonfed.org/publications/one-time-pubs/color-of-wealth.aspx>

<sup>7</sup> file:///C:/Users/KKelleher/Downloads/REACH-presentation%20(4).pdf

commitment in communities like Arlington, where home prices are high, and in 2019, there was only one home loan made to a Black purchaser in Arlington.<sup>8</sup>

While these facts add particular urgency to the need to create affordable homeownership opportunities wherever we can, they also support the need to include, in any comprehensive permit issued for the Development, conditions that maximize the opportunity for the affordable homeownership units to advance diversity and equity in our community and our region. Such conditions would presumably include a prohibition on the use of local preference to select affordable home buyers,<sup>9</sup> and intentional outreach and homeownership training partnerships with organizations like the Massachusetts Affordable Housing Alliance - specifically MAHA's Saving Toward Affordable & Sustainable Homeownership ("STASH") program, which assists first-generation homebuyers to buy their first home, in an effort to address the Commonwealth's deep racial homeownership gap.<sup>10</sup>

We also note that the Commonwealth recently announced a new MassDREAMS program which provides grants to help certain first-time homebuyers living in communities disproportionately impacted by the pandemic with their downpayment and closing costs.<sup>11</sup> The eligible communities are diverse low-income communities and do not include Arlington, but the funds can be used to buy a home in any community in the Commonwealth. When Arlington does have affordable homeownership opportunities, we hope that they will be proactively marketed to purchasers participating in the MassDREAMS program, or others like it.

In any event, we hope that any process to select affordable purchasers would include early planning to ensure that purchasers are prepared for homeownership with homeownership counseling, post-purchase counseling and other structural supports to ensure they have the information and resources they need to succeed as homeowners.

The Zoning Board of Appeals plays an important role in advancing housing affordability in Arlington, and we are grateful for its thoughtful review of the Development. We recognize that the Application presents other issues of interest to the Town, such as with respect to wetlands and other conservation matters, transportation and traffic impact, and utilities, water and waste management. We strongly support incorporating climate resiliency in all aspects of the Development, but respectfully defer to you and other appropriate Town bodies with respect to such matters and appreciate the difficult work of the Zoning Board of Appeals in evaluating and incorporating such feedback in its decision.

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<sup>8</sup> <http://financialequity.net/wp-content/uploads/2021/08/MCBC-FY21-Mortgage-Lending-Report-final.pdf>

<sup>9</sup> This would be consistent with the recommendations of the Town's Housing Plan and Fair Housing Action Plan, and would follow a similar condition imposed by the ZBA in the comprehensive permits for both 1165R Massachusetts Avenue and Thorndike Place.

<sup>10</sup> <https://mahahome.org/STASH>

<sup>11</sup> <https://www.masshousing.com/en/home-ownership/homebuyers/massdreams>



In conclusion, the Development presents an opportunity to substantially increase the number of permanently affordable homeownership units in Arlington, without subsidy from the Town. This is a critical opportunity without recent precedent, that the Arlington Affordable Housing Trust Fund urges you to capitalize on. We hope that you will also explore with the Developer whether additional affordable units, or units affordable to a broader range of residents, could be included in the Development, and we stand ready to join those discussions and to consider how such units might be financially feasible.

Many thanks for your consideration and your thoughtful and dedicated service to the Town.

Respectfully submitted,

**Arlington Affordable Housing Trust Fund**

By:



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Karen E. Kelleher, Chair



TOWN OF ARLINGTON

MASSACHUSETTS

## CONSERVATION COMMISSION

November 4, 2022

Zoning Board of Appeals  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

**RE: 1021 & 1025 Mass Ave – Application for Comprehensive Permit (40B)  
First Set of Comments from Conservation Commission**

**Documents Reviewed:** "Arlington Zoning Board of Appeals 40B, Comprehensive Permit Submission, The Residences at Mill Brook, 1021 & 1025 Massachusetts Avenue, Arlington" prepared by Maggiore, dated September 19, 2022

Dear Chairman Klein and Members of the Board:

The Arlington Conservation Commission (ACC) provides this first set of comments to the Zoning Board of Appeals (ZBA) to consider the wetlands components of the 1021 & 1025 Mass Ave Comprehensive Permit Application under Chapter 40B. The Conservation Commission is providing this comment letter to assist the ZBA as it moves forward with its review of the permit application, including under the Town of Arlington Wetlands Protection Bylaw (the Bylaw) and the Commission's implementing Wetland Regulations.

The comments presented in this letter were discussed at the ACC's public meeting on November 3, 2022<sup>1</sup>. The Conservation Commission takes no position as to whether the Project is "generally appropriate" for the Property. The ACC's comments focus mainly on whether the Project complies with standards the Arlington Bylaw for Wetlands Protection and its regulations, and to a lesser degree, on standards under the State's Wetlands Protection Act (WPA). As you know, the project proponent will have to file a Notice of Intent with the Commission under the WPA.

**Environmental Resource Area**

The primary wetland resource area on the property is the 200-foot Riverfront Area associated with Mill Brook, which Riverfront Area is approximately 20,429 sq ft of wooded uplands that currently includes 2,517 sq ft of paved parking lot ("Degraded" Riverfront). The Project includes work within the outer 100-200 foot portion of the Riverfront Area. It also appears from the site plans that there is some limited work in the 0-100 foot Riverfront Area and the 100-foot Adjacent Upland Resource Area (AURA)

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<sup>1</sup>The Commission also held two Working Sessions earlier this year and a separate meeting with Environmental Planner/Conservation Agent David Morgan and Assistant Commissioner Cathy Garnett about the proposed urban park summarized at the Commission's May 19, 2022 meeting.

also associated with the Bank of Mill Brook. However, Section 19 of the Comprehensive Permit titled “Bylaw Notice of Intent Application” does not acknowledge this and does not include site plans.

***Recommendation:*** *Information provided in the Comprehensive Permit Submission, Section 19, “Bylaw Notice of Intent Application,” prepared by LEC and dated September 16, 2022, should be supplemented to clarify the work within each resource area and to show this on site plans.*

#### **Proposed Project Impacts to Resource Area**

The Conservation Commission notes that the Project proposes the following impacts within the “outer” (100’ to 200’ portion) of the Riverfront Area:

- construction of part of a building;
- removal of 22 or 24 trees (Patriot Engineering Site Demolition Plan shows 24 trees proposed to be removed whereas KZLA drawing L1 shows 22 trees; 3 of which are marked “dead” on both plans);
- installation of erosion controls, grading and installation of a retaining wall, paths, benches, and fencing;
- installation of subsurface infiltration system; and
- creation of an urban park with native plantings including evergreen and deciduous trees, shrubs, and understory or meadow seed mixes in the 7,700 sq ft wooded upland (KZLA drawing L5 shows Plant Schedule).

Within the “inner” (0’ – 100’) Riverfront Area and AURA, work appears limited to some grading, placement of erosion control, and removal of an existing fence. The proposed stone dust pathway also appears to slightly extend into the AURA.

***Recommendation:*** *Information provided in the Comprehensive Permit Submission, Section 19, “Bylaw Notice of Intent Application,” prepared by LEC and dated September 16, 2022, should clarify the number of trees to be removed and work proposed in the AURA, as presently the Application contains conflicting information.*

#### **Waivers to the Arlington Bylaw and Wetland Regulations**

The following appears in Section 13 “Wavers Requested” of the Comprehensive Permit application:

##### **Wetlands Protection (Title V: Article 8)**

- Comprehensive permit to include local Order of Conditions

The Comprehensive Permit Application Section 19 “Bylaw Notice of Intent Application” states, “For example, the Applicant will not be able to comply with the Vegetation Removal and Replacement requirements enumerated under Section 24 of the *Bylaw Regulations...*” The Commission requests further clarity as to whether or not Section 24 requirements can be met. While an overall Planting Plan for the entire project has been submitted, it is not stated in the Application as to the quantity and size of replacement trees that are proposed in the Riverfront Area.

***Recommendation:*** *Further information including quantity and size of replacement trees in the Riverfront Area should be provided to inform the ZBA whether any waivers to the Bylaw and the Commission’s Wetland Regulations should be considered.*

### **Stormwater Management**

The project proposes to install a single subsurface infiltration system to collect and infiltrate stormwater run-off from the proposed structures. This stormwater system is proposed to be located within the outer Riverfront area. The Bylaw Notice of Intent states that the Stormwater Management System has been designed using the Extreme Precipitation Tables of the Northeast Regional Climate Center (Cornell University) in an effort to promote climate resiliency. However, the Stormwater Management Report prepared by Patriot Engineering references both Extreme Precipitation Tables for NOAA Atlas-14 and the Northeast Regional Climate Center as the source of precipitation values used for stormwater runoff calculations. The precipitation values used appear to be conservative and to account for extreme precipitation, similar or exceeding NOAA Plus, which is a good approach. DEP will be proposing to update its Stormwater Management Standards to require use of NOAA Plus.

In regard to water quality, the Stormwater Management Report states the system has been designed to remove a minimum of the average annual post-construction load of Total Suspended Solids (TSS). DEP's Stormwater Management Advisory Committee has recommended that DEP's Stormwater Management Standards should be revised to require a minimum of 90% TSS removal. In addition, it is the ACC's understanding that Arlington's Stormwater Management Standards also requires a minimum of 90% TSS removal for Major Stormwater Management Permits.

***Recommendation:*** ACC recommends that the Applicant clarify the source of precipitation values used in the stormwater report and verify whether the values used are equal to or greater than NOAA Plus. ACC further recommends that the stormwater management system meet a minimum of 90% TSS removal. Additionally, the ACC recommends that the stormwater management report be reviewed by the Town Engineer with respect to not only pre-and post development runoff volumes, but also recharge and water quality.

### **Wildlife Habitat, Vegetation, and Riverfront Area**

There are no known endangered, threatened, or special concern species onsite. The ACC points out, however, that the definition of "Protection of Wildlife" in the Arlington Wetland Regulations (Section 4, #59) "means protection of the ability of any resource area to provide food, breeding habitat, shelter or escape cover and species falling within the definition of wildlife set forth in these regulations."

Enhancement of wetland resources including habitat improvements can be achieved through additional native vegetation in close proximity to Mill Brook. Vegetative buffers are critical to preservation of the wetland resource area values and to protection of wildlife. The Conservation Commission appreciates that the Applicant has proposed a robust native planting plan within the 100-200 foot portion of the Riverfront Area, that includes cleaning up existing debris in this area, installing a diversity of plantings, and increasing vegetative biomass that is greater than the sum of the trees being removed. This type of planting should generate more biodiversity and be more climate resilient than the mainly Norway maple tree monoculture and invasive vegetation that are present on the site currently. In addition, this urban park area enhances connectivity of wildlife corridors and patches along Mill Brook. Unfortunately, this urban forest will be separated from Mill Brook by a parking lot owned by the neighboring condominium association. As noted above, the Conservation Commission desires further clarity regarding the number of replacement trees that will be included in the Riverfront Area.

**Recommendation:** The ACC proposes the following recommendations to improve the resource area values that are protected in the Riverfront Area:

- The area proposed for the urban park currently appears to have construction debris and fill. The Commission recommends that after cleaning up existing debris, the soil should be tested for contaminants and soil suitability for the native plantings.
- The Project proposes a private urban park. The Commission would like the park to be an example of native urban revegetation; as such, we request that signage about the park be posted visible to the public and that some access to the public provided.
- Since there are a substantial number of invasive plants in the area proposed for the urban park, a robust invasive management plan would need to be developed and implemented. We recommend, for the success of the native plantings, that such a plan be required in perpetuity.
- The Commission had recommended to the Applicant to reach out to the neighboring Millbrook Condominium association to determine whether an agreement could be reached to undertake restoration closer to Mill Brook – within the first 50 feet from Mill Brook (this area is owned by the condo association). Such restoration would be more advantageous to resource area improvements. We have not learned of the outcome of this request. If restoration closer to Mill Brook can be achieved via an agreement with the Millbrook Association, this could enable the Applicant to fully meet the Vegetation Replacement Standards of Arlington's Wetlands Protection Regulations.

### **Climate Change Resiliency**

Section 31 of the Commission's Wetland Regulations require an applicant to integrate considerations of adaptation planning into their project to promote climate change resilience so as to protect and promote resource area values into the future. An applicant does this by providing a written narrative addressing four issues. We commend the applicant here for their good Climate Change Resilience narrative responses.

### **Conclusion**

We hope the ZBA finds the above comments helpful in providing clarity and recommendations on how to best protect the Wetland Resource Areas on this site while acknowledging the current site conditions. We have an opportunity to improve the Riverfront resource area on this site along with revitalizing and adding affordable housing units for our town. I am confident that we all can work together towards these goals. Please contact us should you have questions.

Very truly yours,

*Susan*

Susan Chapnick, Chair  
Arlington Conservation Commission

This comment letter was approved by unanimous vote of the Conservation Commission, November 3, 2022.

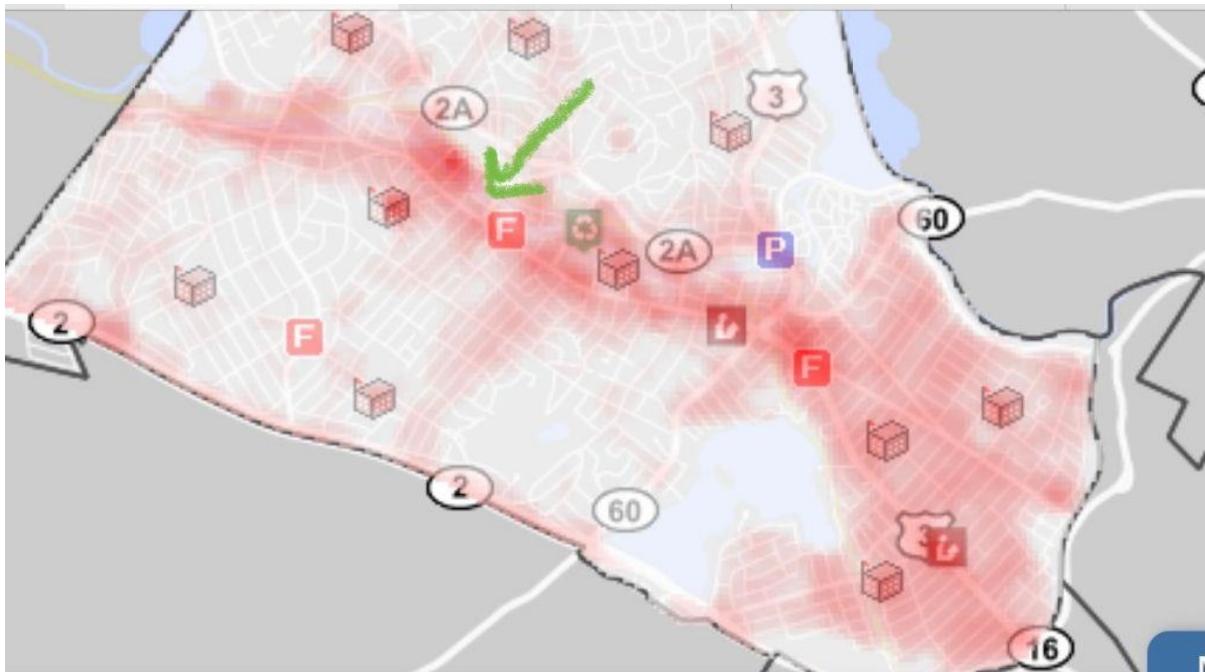
-- The Residences at Millbrook MGL Chapter 40B Project --

*Arlington Tree Committee (ATC) Concerns*

10/31/22

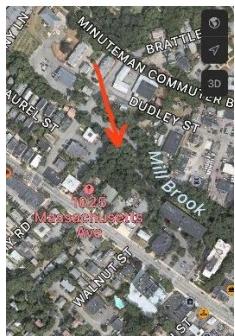
**General Comments:**

- There is a growing concern in Arlington about the decline of Arlington's tree canopy, which is the combined quantity of trees on both public and private land within the Town's geographic borders. With increased development, there are fewer and fewer forested spaces in Arlington, and existing green space retention is critical to thoroughly evaluate and prioritize.
- Trees and their preservation are a critical part of a solution to mitigate urban heat islands in town and curb global warming.
- Heat map of Arlington showing the hottest regions of town in red (due to dense development, presence of expansive impermeable/paved areas, and lack of trees). Project site identified by green arrow:



### **Specific Comments:**

This 40B redevelopment project combines two oversized (for Arlington) lots, to create a 14,000+ sq. ft. parcel that is currently roughly 25% forested.

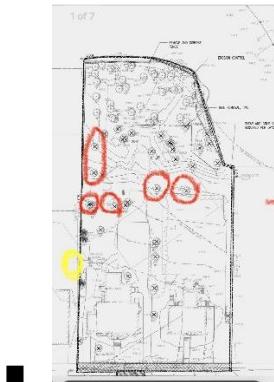


- The plan presented at the 10/18/22 ZBA meeting proposes removing most of the lot's trees (many of which are sizeable and a great loss to our canopy), building a five-story building, and creating a private woodland area in the rear of the new property, planted with a selection of native trees/shrubs/plants (over a buried artificial stormwater catchment area).
- Although on private land, the wooded area on this property is a piece of Arlington's tree canopy; its loss would further contribute to the decline of Arlington's tree canopy.
- Much of the parcel's forest is of the Norway Maple species; although classified as invasive, that does not preclude their preservation. While the Town does not plant this species anymore, the Norway Maples currently in Arlington strongly contribute to the canopy's functions of carbon sequestration, oxygen generation, shade creation, and heat island minimization.
- The proposed project includes the removal of a healthy, significant (roughly 4 ft. in diameter and 70 ft. tall) London Plane tree. Replacing the canopy of this single, mature specimen would take over 30 years.
- The requested waiver of the requirements and strictures of the Article 16 Tree Preservation Bylaw is contrary to the interests of the Town. Article 16 mitigation fees should be calculated and expressed in waiver request so that everyone is aware of the value of the waiver being requested.
- The reduction of the setbacks is concerning especially along the front yard as this would limit the space available for introducing shade trees along Mass Ave, an area that is one of Arlington's known heat islands. Furthermore, there are no "tree planting strips" on this block (and therefore, no public street trees planted), AND there are overhead wires on this side of Mass Ave. The ATC recommends the set-back be large enough to plant large caliper (2 in. diameter and up) deciduous canopy shade trees (not understory trees); current plan suggests less-appropriate evergreen trees planted in front of the large building.
- The ATC is pleased that the applicant is working with a landscape architect (Kyle Zick Landscape Architecture), hopefully ensuring a sensitivity to tree issues. We ask that Article 16 mitigation fees be calculated and expressed within the project documentation. Our expectation is that mature tree loss will be minimized, and that expansion of the tree canopy will be encouraged through a thoughtful and forward-thinking design process.

**Questions:**

- Can the proposal Tree Plan be modified to retain some of the existing forest especially along the perimeters that abut the neighboring asphalt parking lots (heat islands)? If not, why not?
- Can the applicant provide a detailed list of tree species for removal on the Tree Plan )?
- Can Article 16 mitigation fees be calculated and expressed in waiver request.
- Has there been thought given to retaining any of the mature, high-value trees (i.e. leaving mature trees screening adjacent properties; leaving the mature London Plane trophy tree (mentioned above); leaving mature, healthy Norway Maple and other trees where possible, to help transition to the new tree canopy? Specific examples of suggested current tree retention are circled in red below.
- Why is it believed that the proposed catchment area is superior to the existing natural catchment?
- How can the artificial catchment area being proposed properly function if installed on the existing ledge?
- Could larger caliper trees be planted as part of the planting plan given the expected removal of such a large number of trees?
- Is an irrigation system planned to sustain the proposed new landscape? If not, why not?

Illustration below shows priority trees on the property:



**Date:** November 2, 2022  
**To:** Kelly Lynema  
**From:** Laura Swan, Chair of TAC  
**Subject:** Comments on the Comprehensive Permit Application for 1021-1027 Mass Ave

Please add these comments from members of the Transportation Advisory Committee to the memo you are compiling for the Zoning Board of Appeals.

- Existing Conditions
  - Were the traffic counts (March 16, 2022) conducted when schools were in session?
  - Pedestrian, bicycle and trucks volumes were not provided. Please provide them.
  - Did any of the reported crashes involve pedestrians or bicyclists?
  - It should be noted that the condition of the existing sidewalk on Mass Ave along the project frontage is in fair condition and generally not ADA compliant.
- Future Conditions
  - Project vehicle trips were only assigned to Mass Ave. It seems reasonable to assume that some trips would use Brattle St to get to Rt. 2A or Walnut Street or School Street to travel towards Route 2.
  - Provide a Site Layout Plan.
  - Identify proposed driveway width.
  - Identify if any existing driveway curb cuts are being closed. If so, will this create any additional on-street parking spaces?
  - How will residents get bikes to the basement?
  - Provide dimensions for parking spaces.
  - Identify handicap parking spaces.
  - It may be difficult for full-size vehicles to park in the end spaces against the walls.
  - Identify where retail customers would park on-site.
  - The Recreation and Open Space Amenities Plan shows shrubs/perennials planted within project's plaza area. Street trees should also be provided along the project frontage.
  - Will the tables, chairs, umbrellas, lawn, and furniture proposed within the plaza area be for project residents, or commercial patrons? Will it be open to the public?
  - Would the proposed pedestrian pathway on the west side of the building, to access the open spaces at the rear of the site, be open to the public?
  - Identify how emergency vehicles would access the rear of the building.
- Recommendations
  - Reconstruct sidewalk along the project frontage to improve surface condition and meet ADA requirements.
  - The fee for residential units and parking spaces should be unbundled (separated) so that residents who do not wish to own a vehicle do not have to pay for a parking space.

- The proponent should consider providing MBTA passes (or a portion of) for residents for the first year of occupancy as an incentive to use public transportation for commuting.



TOWN OF ARLINGTON  
Department of Public Works  
51 Grove Street  
Arlington, Massachusetts 02476  
Telephone (781) 316-3320 Fax (781) 316-3281

Engineering Division

## 1021 – 1025 Mass Ave. Review Comments

**Date:** May 18, 2022  
**To:** Kelly Lynema; Planning & Community Development  
**From:** Wayne Chouinard, Town Engineer  
**RE:** Plan review for 1021-1025 Mass Ave. Comprehensive Permit

The Town of Arlington Engineering Division is in receipt of the Comprehensive Permit information provided by email on May 3, 2022. It should be noted that the submitted plans appear to be preliminary in nature and do not include suitable detail to fully and satisfactorily evaluate the submission. These comments will respond specifically to the content related to stormwater, site utilities and accessibility. It is expected that a final review will be required for final construction level documentation.

The comments provided are based on the documents provided by the Department of Planning and Community Development. Comments are as follows:

- **Stormwater:**
  - It is noted that storm water control details are included on the Site Details Sheet. However, a comparison of pre and post development impervious areas should be provided along with a hydrological report detailing the stormwater runoff calculations in order to more accurately review the stormwater mitigation provided.
  - All necessary calculations should be submitted in order to evaluate the hydrologic and stormwater runoff conditions for pre-development and post-development conditions.
  - There is no information provided to review the stormwater collection system for runoff requirements from the building roof.
  - No stormwater collection pipes or infrastructure – roof drain, leaders, pipes etc. are indicated.
  - It is noted that there is an observation test hole indicated on the plan. Additional data should be provided indicating the subsurface conditions in the area proposed to be utilized for stormwater infiltration including soil horizons, soil type and classification and groundwater information.
  - Calculations should be included detailing the effects of groundwater mounding in the vicinity of the proposed subsurface infiltration system.
- **Traffic:**
  - Review and documentation of the Mass Ave. LOS ratings should be provided along with anticipated traffic generation and effects resulting from the proposed project.
  - Due to proximity to the Mass Ave. and Brattle Street signalized intersection and the entrance to the Highland Fire Station, it is recommended that an analysis be provided indicating the anticipated impacts of increased traffic volume and use at these locations.
- **Lighting:**
  - A photometric plan should be provided to evaluate site lighting and light spillage at property lines. Night sky reduction, light pollution, cut off fixtures and glare should be considered, carefully evaluated and documented with respect to impacts on abutting properties.



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- **Water :**
  - The site plan does not indicate separate water connections for domestic and fire protection services. A suitable connection for both services should be sized and indicated.
  - Calculations should be provided to ensure the distribution system for the area has capacity for increased demand for fire flow and domestic water supply without impacting the existing system or abutter's water volume and pressure.
  - All connections to the Town water system require a triple gated connection to provide maximum shut-off and distribution control.
  - Connections to the Town water main require a tee connection.
- **Sewer:**
  - The proposed sewer connection indicates a tie-in along the existing sewer main. It is recommended that the connection be made directly to the existing and adjacent sewer manhole. All existing utilities are required to be cut and capped at the existing main connections.
  - New sewer service lines from multi-family buildings should be a minimum of 8" diameter.
  - Up-gradient sewer flow analysis, with peaking factor should be determined and provided to document suitable capacity for proposed additional flow. Evaluation should include the downstream sewer main to determine whether it will provide sufficient capacity for the intended increase in flow and address any added exfiltration potential.
  - Floor drain and sewer connection details should be provided for all garage facilities serving more than five (5) vehicles including oil/gas separators. These should be designed and located properly within the parking structure or on-site.
  - Hydraulic calculations should be provided for utilities to confirm suitable capacity. It is recommended that any upgrades or improvements necessary to maintain capacity with proposed additional flow should be included in this project.
  - Details and offset dimensions are required to ensure proper spacing between water/sewer service connections.
  - It is recommended during permitting and approval, to discuss whether an Inflow/Infiltration (I/I) mitigation fee be assessed to be used to reduce I/I of the Town sewer system in the amount equal to four(4) times the design flow of the project.
- **Utilities: Other**
  - What are the off-site upgrade requirements necessary for the CATV requirements for proposed development? Will current utility pole and cable configurations accommodate the required cable electric and telephone wires without the need for additional utility poles or improvements outside of the project locus? Any installation of utility poles or underground conduit in the public right of way will require a Grant of Location from the Board of Selectmen. This information should be provided as part of the application process to evaluate the entirety of impacts and effects.
- **Pavement, parking and sidewalks:**
  - Proposed pavement markings and signage should be indicated.
  - Pavement markings and signage required for handicap spaces if required should be added, along with delineation of required ADA accessible routes to the structure.
  - Information should be provided detailing the entrance/egress location and the impacts on pedestrian accessibility along the sidewalk located within the public right of way.



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- Properly designed fire lanes or access areas should be provided for access around the structure or a suitable alternative satisfactory to the Fire Department.
- Turning radius should be included detailing required radii for all vehicles within the parking structure.
- Suitable details should be provided indicating ADA accessibility requirements for sidewalks, ramps and any other pedestrian accommodations along the right of way.
- Site plan should identify areas where delivery and other larger vehicles will frequent and address suitable turning radius requirements.
- Time of use restrictions for deliveries, trash pickup etc. to reduce impacts on adjacent neighborhood.
- **Landscape:**
  - Project should provide properly placed screening to minimize impacts on abutting properties.
  - If possible, street tree plantings should be provided along Mass Ave. to reduce heat island effects.



November 12, 2022

Christian Klein, Chairperson  
Arlington Zoning Board of Appeals  
23 Maple Street  
Arlington, MA 02476

**Re: Comprehensive Permit Application, 1021-1025 Massachusetts Avenue**

Dear Chairperson Klein:

Reference is made to that certain Comprehensive Permit Application for 1021-1025 Massachusetts Avenue in Arlington (the “Application”) submitted by 1025 Mass Ave LLC (the “Applicant”). The proposed 50-unit home ownership development (the “Development”) would include thirteen (13) units affordable to families earning at or below 80% AMI, as required under M.G.L. c. 40B (the “Comprehensive Permit Law”), as well as approximately 1,000 square feet of ground floor commercial space.

**About the Arlington Affordable Housing Trust**

Established by Town Meeting, the purpose of the Arlington Affordable Housing Trust Fund (the “Trust”) is “to provide for the preservation and creation of Community Housing in the Town of Arlington.” The Trust is authorized to support low-income and moderate-income housing, including senior housing for those 60 years and over. We respectfully submit these comments regarding the Development for the consideration of the Zoning Board of Appeals. We are grateful for the ZBA’s collaboration with us in the preparation of our Five-Year Action Plan, which was just this week approved by the Select Board, and are pleased to have the opportunity to comment on the subject Application.

**Arlington’s Affordable Homeownership Gap**

Arlington presently has only 13 deed-restricted affordable home ownership units. This is unfortunate, since, as Arlington’s Housing Plan, approved by DHCD on June 13, 2022 (the “Housing Plan”) highlights, Arlington has few or no viable options for first-time homebuyers to find a home they can afford<sup>1</sup>. According to the Housing Plan, in 2019, households earning Arlington’s town-specific median family income of \$145,141 could reasonably afford a

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<sup>1</sup>Housing Production Plan, p. 71

single-family home priced at not more than \$592,500 or a condominium priced at not more than \$521,500, both significantly below Arlington's median sale prices for both single-family homes and condominiums in the same year<sup>2</sup>. The situation has only worsened since 2019, with median sales prices for single-family homes and condominiums at \$950,000 and \$695,000, respectively, in 2021<sup>3</sup>.

### **Creating Affordable Homeownership Opportunities**

As described above, homeownership is particularly out of reach for low- and moderate-income households in Arlington. Unfortunately, there are few state and local subsidies available to bridge the substantial gap between a price affordable to low-income purchasers and actual single family home and condominium prices in Arlington. While there are state and federal homeownership programs that reduce mortgage rates or costs, or help with downpayments, these programs help low-income buyers increase their purchasing power, but not likely by enough to put Arlington's high homeownership prices within reach.<sup>4</sup>

For example, a 4-person family with income equal to 80% of AMI would earn \$111,850 per year, and is estimated to be able to afford a home priced at \$290,300.<sup>5</sup> However, the median purchase price of a single family home in Arlington right now is \$950,000, or \$695,000 for a condominium. That means each affordable homeownership unit would require at least \$400,000 of subsidy, most of which would need to be provided by the Town. The cost of just the 13 units proposed at the Development could be estimated to exceed \$5 million - funds Arlington does not currently have available for this purpose.

As a result, a deal like the subject Development - where profit from market rate home sales would cross-subsidize affordable ownership opportunities without the need for public subsidy - represents one of Arlington's only realistic pathways to homeownership for low- and moderate-income households. Accordingly, the Trust's Five Year Action Plan, developed in consultation with the Zoning Board of Appeals and approved just this week by the Select Board, commits to encourage the creation of affordable homeownership opportunities for low- or moderate-income purchasers in mixed income homeownership developments like the subject Development. Adding 13 deed-restricted affordable homeownership units would double the number of affordable homeownership units in Arlington and represent a rare chance to offer families earning less than 80% of area median income ("AMI") an opportunity to purchase homes in Arlington.

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<sup>2</sup> Housing Plan at pg. 43.)

<sup>3</sup> <https://tamelarache.com/statistics/arlington-ma/>

<sup>4</sup> There has been limited success in other communities using Section 8 vouchers to subsidize homeownership, but the Trust will explore this option and add it to the Action Plan if it proves promising.

<sup>5</sup> Affordable Housing Trust, 5-Year Action Plan (2022-2027), p. 5.



## **Increasing Affordability**

While the Comprehensive Permit Law requires that 25% of the units in the development be affordable to purchasers with incomes at or below 80% of area median income, we encourage you to urge the developer to consider offering either more affordable units to the community, or to make some of the required units affordable to purchasers with incomes below 80% of AMI, as suggested by the Select Board in their initial support letter submitted with the Development's request to MassHousing for site approval. In either case, the Trust would be happy to meet with the developer to discuss the financial feasibility of additional affordability, and we or other Town bodies may be in a position to provide some limited subsidy to mitigate the cost of affordable units in excess of - or at income levels below - the minimum thresholds set by the Comprehensive Permit Law.

The Trust conducted an extensive community engagement process during 2022 and heard from many residents a deep concern about home prices in Arlington being out of reach for all but relatively affluent purchasers. While the Trust's particular mission and mandate is limited to households with incomes at or below 100% of area median, the community expressed a strong desire for housing solutions that sustain full economic diversity in our community, including housing for what is increasingly considered the "missing middle." Accordingly, the community may value additional homeownership units of various sizes priced to be affordable to middle-income people who are teachers, office workers, first responders, young professionals, or retirees looking to downsize. The ZBA is in a unique position to advocate for such outcomes as you review the developer's request for a comprehensive permit.

## **Plan for Diversity and Inclusion**

Arlington's Fair Housing Action Plan and Housing Plan highlight a lack of substantial racial and ethnic diversity in our community, a trend away from economic diversity, and substantial housing challenges that are preventing, or have the potential to prevent, seniors, people with disabilities or special needs and people of color from moving to or staying in Arlington. The creation of housing affordable to such groups, and designed to meet the needs of such groups, is an important priority for the Trust, and we have committed to be guided in our work by the principle of planning for diversity and inclusion in our community.

The Federal Reserve Bank of Boston has found that greater Boston has alarming racial wealth gaps.<sup>6</sup> It should come as no surprise that Massachusetts also has wide racial homeownership gaps - with 69% of white households owning their homes, while only 35% of households of color own.<sup>7</sup> Reducing these gaps even incrementally requires particular

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<sup>6</sup> The Color of Wealth report found that the average wealth of white households was \$247,500, vs. just \$8 for a U.S. Black household and less than \$15,000 for Caribbean Black, Puerto Rican, Dominican and other Hispanic households.

<https://www.bostonfed.org/publications/one-time-pubs/color-of-wealth.aspx>

<sup>7</sup> file:///C:/Users/KKelleher/Downloads/REACH-presentation%20(4).pdf



commitment in communities like Arlington, where home prices are high, and in 2019, there was only one home loan made to a Black purchaser in Arlington.<sup>8</sup>

While these facts add particular urgency to the need to create affordable homeownership opportunities wherever we can, they also support the need to include, in any comprehensive permit issued for the Development, conditions that maximize the opportunity for the affordable homeownership units to advance diversity and equity in our community and our region. Such conditions would presumably include a prohibition on the use of local preference to select affordable home buyers,<sup>9</sup> and intentional outreach and homeownership training partnerships with organizations like the Massachusetts Affordable Housing Alliance - specifically MAHA's Saving Toward Affordable & Sustainable Homeownership ("STASH") program, which assists first-generation homebuyers to buy their first home, in an effort to address the Commonwealth's deep racial homeownership gap.<sup>10</sup>

We also note that the Commonwealth recently announced a new MassDREAMS program which provides grants to help certain first-time homebuyers living in communities disproportionately impacted by the pandemic with their downpayment and closing costs.<sup>11</sup> The eligible communities are diverse low-income communities and do not include Arlington, but the funds can be used to buy a home in any community in the Commonwealth. When Arlington does have affordable homeownership opportunities, we hope that they will be proactively marketed to purchasers participating in the MassDREAMS program, or others like it.

In any event, we hope that any process to select affordable purchasers would include early planning to ensure that purchasers are prepared for homeownership with homeownership counseling, post-purchase counseling and other structural supports to ensure they have the information and resources they need to succeed as homeowners.

The Zoning Board of Appeals plays an important role in advancing housing affordability in Arlington, and we are grateful for its thoughtful review of the Development. We recognize that the Application presents other issues of interest to the Town, such as with respect to wetlands and other conservation matters, transportation and traffic impact, and utilities, water and waste management. We strongly support incorporating climate resiliency in all aspects of the Development, but respectfully defer to you and other appropriate Town bodies with respect to such matters and appreciate the difficult work of the Zoning Board of Appeals in evaluating and incorporating such feedback in its decision.

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<sup>8</sup> <http://financialequity.net/wp-content/uploads/2021/08/MCBC-FY21-Mortgage-Lending-Report-final.pdf>

<sup>9</sup> This would be consistent with the recommendations of the Town's Housing Plan and Fair Housing Action Plan, and would follow a similar condition imposed by the ZBA in the comprehensive permits for both 1165R Massachusetts Avenue and Thorndike Place.

<sup>10</sup> <https://mahahome.org/STASH>

<sup>11</sup> <https://www.masshousing.com/en/home-ownership/homebuyers/massdreams>



In conclusion, the Development presents an opportunity to substantially increase the number of permanently affordable homeownership units in Arlington, without subsidy from the Town. This is a critical opportunity without recent precedent, that the Arlington Affordable Housing Trust Fund urges you to capitalize on. We hope that you will also explore with the Developer whether additional affordable units, or units affordable to a broader range of residents, could be included in the Development, and we stand ready to join those discussions and to consider how such units might be financially feasible.

Many thanks for your consideration and your thoughtful and dedicated service to the Town.

Respectfully submitted,

**Arlington Affordable Housing Trust Fund**

By:



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Karen E. Kelleher, Chair